

## **Chapter 720**

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[HISTORY: Adopted by the City Council of the City of Fond du Lac 11-28-1984;  
amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art.  
II). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building, plumbing, heating and electrical standards — See Ch. 255.

Erosion control and stormwater management — See Ch. 325.

Historic preservation — See Ch. 374.

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Mobile homes and mobile home parks — See Ch. 460.

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## ARTICLE I Introduction

### § 720-1. Purpose.

The provisions of this chapter shall be held to be minimum requirements adopted for the purpose of:

- A. Promoting the health, safety, morals, and general welfare;
- B. Securing adequate light, pure air, and safety from fire and other dangers;
- C. Conserving the taxable value of land and buildings throughout the City of Fond du Lac;  
and
- D. Preserving and enhancing the aesthetic values generally throughout the City of Fond du Lac.

### § 720-2. Intent.

This chapter is intended to establish and accomplish certain standards and objectives by:

- A. Dividing the entire City of Fond du Lac into districts and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, manufacturing, or other specified uses;
- B. Avoiding or lessening congestion in the public streets by adequate requirements for off-street parking and loading facilities;
- C. Preventing the overcrowding of land by regulating and limiting the height and bulk of buildings hereafter erected;
- D. Establishing, regulating, and limiting the building or setback lines on or along streets, alleys, or property lines;
- E. Regulating and limiting the intensity of the use of lot areas and regulating and determining the area of open spaces within and surrounding such buildings;
- F. Permitting in each of the zoning districts only those uses, buildings and structures that are compatible with the character of each district;
- G. Providing controls over additions to and alterations and remodeling of existing buildings and structures;

- H. Providing controls governing the continuation of those uses, buildings, and structures which are incompatible with the character of the districts in which they are located;
- I. Defining the powers and duties of the administrative officers and bodies for the administration and enforcement of this chapter; and
- J. Prescribing penalties for the violation of the provisions of this chapter or of any amendment thereto.

### **§ 720-3. Interpretation.**

- A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals, and general welfare.
- B. Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable standards imposed by any other provision of this chapter or of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulation which is more restrictive or which imposes higher standards or requirements shall govern.
- C. This chapter is not intended to abrogate any easement, covenant, or other private agreement, provided that, where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this chapter shall govern.
- D. No building, structure, or use not lawfully existing at the time of the adoption of this chapter shall become or be made lawful solely by reason of the adoption of this chapter. To the extent that said unlawful building, structure, or use is in conflict with the requirements of this chapter, said building, structure, or use remains unlawful hereunder.

### **§ 720-4. Severability.**

It is hereby declared to be the intention of the City Council of the City of Fond du Lac that the several provisions of this chapter are separable, in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provision of this chapter not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

ARTICLE II  
**Definitions and Word Usage**

**§ 720-5. Rules of construction.**

In the construction of this chapter, the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense, the singular number shall include the plural number, and the plural number the singular number. The word "building" shall include the word "structure." The word "shall" is mandatory and not directory; the word "may" is permissive.

**§ 720-6. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ABUT — Having a common border.

ACCESSORY USE — A use incidental to the principal land use and subordinate in floor area, extent or purpose, located on the same lot as the principal land use with the single exception of accessory off-street parking facilities that are permitted elsewhere than on the same lot as the building or use served.

ADJACENT — To lie near or close to; in the neighborhood or vicinity of.

ADJOINING — Touching or contiguous, as distinguished from lying near or adjacent.

ADULT-ORIENTED ESTABLISHMENT — Any premises, including, but not limited to, an adult bookstore, adult motion-picture theater, adult entertainment, adult cabaret, or any other place of business of any similar purpose, operation or function regardless of whether any other use is also conducted on the premises.

- A. ADULT BOOKSTORE – A building or structure that has a facility or facilities, including, but not limited to, booths, cubicles, rooms or stalls, for the presentation of adult entertainment, including adult-oriented films, movies or live performances for observation by patrons therein, or an establishment having a substantial or significant portion of its stock-in-trade for sale, rent, trade, lease, inspection, or viewing of books, films, electronic media, magazines or other periodicals which are distinguished or categorized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities.
- B. ADULT MOTION-PICTURE THEATER – A building or structure used for presenting material in the form of motion-picture film, electronic media or other similar means, substantially devoted to the depiction of specified anatomical areas or specified sexual activities.
- C. ADULT ENTERTAINMENT – A building or structure regularly used for presenting live performances which are substantially devoted to the exhibition of specified anatomical areas or specified sexual activities for the observation and viewing of patrons therein.

- D. ADULT CABARET – A building or structure which features topless dancers, strippers, male or female impersonators or similar entertainers that display specified anatomical areas or engage in specified sexual activities.
- E. BOOTHS, CUBICLES, ROOMS, COMPARTMENTS or STALLS – Enclosures that are specifically offered to the public or members of an adult-oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures where the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth," "cubicle," "room," "compartment" or "stall" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee and are not open to any person other than employees, nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Wisconsin law.
- F. SPECIFIED ANATOMICAL AREAS – Less than completely and opaquely covered human genitals, human buttocks and human female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- G. SPECIFIED SEXUAL ACTIVITIES – Human genitals in a simulated or actual state of sexual stimulation or arousal; acts of sexual intercourse, masturbation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus; or fondling or other erotic touching or sexual stimulation of human genitals, pubic region, buttocks or female breast.

ALLEY — A public right-of-way, with a width of not more than 24 feet, which affords only a secondary means of vehicular access to abutting properties.

ALTERATION — A change in the size, shape or use of a building or structure. A structural alteration is any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, except such repair or replacement as may be required for the safety of the building as determined by the Building Inspector.

ALTERNATIVE TOWER STRUCTURE — Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.

ANTENNA — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

AUTOMOTIVE SERVICE STATION — A retail establishment for the servicing of motor vehicles which includes the retail sale of fuel and convenience goods, and when accessory to the conduct thereof, the cleaning, lubricating and similar servicing of motor vehicles, but not including body repairs, spray painting or major mechanical repair.

**AWNING** — A roof-like cover which projects from the wall of a building.

**BALCONY** — A landing, deck or porch projecting from the wall of a building at or above the second story.

**BASEMENT** — A story having the entire floor to ceiling height below grade. When a basement is used for storage, parking, or other facilities for the common use of occupants of the rest of the building, it shall not be counted as a story in determining building height.

**BED-AND-BREAKFAST INN** — An owner-occupied single-family residence that provides lodging for overnight accommodations plus breakfast to transient guests for compensation.

**BLOCK** — A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or other lines of demarcation. A block may be located in part beyond the boundary lines of the corporate limits of the City of Fond du Lac.

**BOARDINGHOUSE or ROOMING HOUSE** — A group of rooms with or without individual bathroom units but without cooking facilities, other than a motel, hotel or bed-and-breakfast inn, where lodging or meals or both for compensation are provided for at least three persons but not more than 10 persons.

**BOATHOUSE** — A structure used for the storage of watercraft and associated materials and placed over a Wisconsin Department of Natural Resources approved slip.

**BUFFER** — The use of land, topography, difference in elevation, fences, berms or landscape planting to screen or partially screen a use or property from another use or property.

**BUILDABLE AREA** — The space remaining on a lot after the minimum setback, open space, easements and other site constraint requirements of this chapter have been satisfied.

**BUILDING** — A structure having a roof which may provide shelter, support, enclosure, or protection of persons, animals or property of any kind and which is permanently affixed to the land. When any portion thereof is completely separated from every other portion by masonry or fire wall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.

**BUILDING, ACCESSORY** — A subordinate building or portion of a main building, the use of which is incidental to the principal building, and which is located on the same lot as the main building.

**BUILDING, DETACHED** — A building surrounded by open space on the same lot.

**BUILDING HEIGHT** — The vertical distance from finished grade to the highest point of the roof.

**BUILDING, PRINCIPAL** — A nonaccessory building in which the principal use permitted on the lot is conducted.

**BULK** — The term used to indicate the size and setback of buildings or structures and the location of the same with respect to one another, and includes the following:

A. Size and height of buildings;



- B. Location of exterior walls in relation to lot lines, streets or to other buildings;
- C. Gross floor area of buildings in relation to lot area (floor area ratio);
- D. Open space allocated to buildings;
- E. Lot area and lot width; and
- F. Amount of lot area provided per dwelling unit.

**BUSINESS** — Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

**CLINIC, MEDICAL** — A building or portion thereof in which one or more physicians, dentists, and allied professionals are associated for the examination and treatment of persons on an outpatient basis.

**CLUB OR LODGE, PRIVATE** — A nonprofit association of persons who are bona fide members and whose facilities are restricted to members and their guests. Food and alcohol beverages may be served on its premises, provided they are secondary and incidental to the principal use.

**CO-LOCATION** — The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.

**COMMUNITY LIVING ARRANGEMENT** — The following facilities licensed or operated or permitted under authority of the Wisconsin Statutes: child welfare agencies, group foster homes for children, and community-based residential facilities, but does not include day-care centers, nursing homes, general hospitals, special hospitals, prisons and jails; a convent or facility owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order; a facility or private home that provides care, treatment or services only for victims of domestic abuse; shelter facility; adult family home; or residential care apartment complex. The establishment of a community living arrangement shall be in conformance with Wisconsin Statutes and amendments thereto.

**CONDOMINIUM** — A building or group of buildings in which dwelling units, offices or floor area is owned individually and the structure, common area(s) and facilities are owned by all of the owners on a proportional, undivided basis.

**CONFORMING BUILDING OR STRUCTURE** — A building or structure which complies with the regulations of this chapter or of any amendment thereto governing bulk in the district in which said building or structure is located.

**CONTIGUOUS** — In actual contact.

**DAY CARE, ADULT** — A use that provides services for part of a day in a group setting to adults who need an enriched social or health-supportive experience, or who may need assistance with activities of daily living, supervision and/or protection.

**DAY CARE, DOGGIE** — An organized, controlled and monitored environment for a group of dogs to interact and play for a scheduled time period of less than 24 hours a day.

**DAY CARE, FAMILY** — A use conducted by the resident(s) of a one-family home licensed by the State of Wisconsin for the care and supervision of at least four and not more than eight children who are not related to the provider for less than 24 hours a day.

**DAY CARE, GROUP** — A use licensed by the State of Wisconsin for the care and supervision of nine or more children for less than 24 hours a day.

**DRIVE-IN ESTABLISHMENT** — A use that provides facilities for providing a service or product on the premises to patrons in motor vehicles on the premises.

**DWELLING** — A building, or portion thereof, used or intended to be used exclusively for human habitation, including efficiency/studio units, one-family, two-family and multiple-family residences, and mobile/manufactured/modular homes, but not including recreational trailers or lodging rooms in hotels, motels or lodging houses.

**DWELLING, EFFICIENCY/STUDIO** — A dwelling unit consisting of not more than one habitable room, an individual bath, kitchen facilities and an independent entrance.

**DWELLING, MULTIFAMILY** — A building containing three or more dwelling units.

**DWELLING, ONE-FAMILY** — A building containing one dwelling unit.

**DWELLING, TWO-FAMILY** — A building containing two dwelling units.

**DWELLING UNIT** — One or more rooms physically arranged for occupancy as independent housekeeping quarters for one family, with cooking, sleeping and sanitary facilities provided for the exclusive use of the occupant(s).

**ELECTRIC DISTRIBUTION CENTER** — A terminal at which electric energy is received from the transmission system and is delivered to the distribution system only.

**ELECTRIC SUBSTATION** — A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

**ESTABLISHMENT, BUSINESS** — A place of business carrying on operations which are physically separate and distinct from any other place of business located on the same lot.

**FAA** — Federal Aviation Administration.

**FAMILY** — One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:

- A. The group shares the entire dwelling unit;
- B. The group lives together as a single housekeeping unit;
- C. The group shares expenses for food, rent, utilities or other household expenses;
- D. The group is permanent and stable and not transient or temporary in nature; and

E. Any other factor reasonably related to whether the group is the functional equivalent of a family.

FCC — Federal Communications Commission.

FENCE — A structure providing enclosure or confinement or serving as a barrier, but not protecting against the elements (as distinguished from "building").

FENCE, OPEN — A fence, including gates, which has, for each one-foot-wide segment extending over the entire length and height of the fence, 50% of the surface area in open spaces which afford a direct view through the fence.

FENCE, SOLID — A fence, including gates, constructed to screen an activity or land use.

FLOOR AREA — The sum of the gross horizontal area of all floors of a building and accessory buildings and structures, including patios, porches, decks and steps eight inches or more above grade, and excluding basement areas devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls. An awning, trellis or other open overhead structure shall not be included in floor area calculations.

FLOOR AREA RATIO — The numerical value obtained by dividing the floor area within a building(s) on a lot by the area of such lot. The floor area ratio as designated for appropriate districts, when multiplied by the lot area in square feet, shall determine the maximum permissible floor area for the building or buildings on the lot in such district.

FREIGHT TERMINAL — A building or area in which freight brought by motor truck or railroad freight cars is assembled or stored for routing in intrastate or interstate shipment by motor trucks or railroad freight cars.

GARAGE — A detached or attached accessory building or a portion of the principal building designed and used for the storage and/or parking of passenger vehicles owned and used by the occupants of the dwelling to which it is accessory.

GAZEBO — A structure used for the outdoor enjoyment of a property that is accessory to the principal use.

GRADE, EXISTING — The vertical location of the existing ground surface prior to excavation or filling.

GRADE, FINISHED — The ground elevation of the finished surface adjoining the exterior walls of a building after construction.

GROOMING SHOP — A commercial establishment where domestic animals are bathed and groomed, excluding daytime and/or overnight boarding or care.

GROSS DENSITY — The ratio between total number of dwelling units on a lot and total lot area in acres, the area to include all the land within the lot boundaries, including any private roads, recreation areas and drainageways.

HOME OCCUPATION — A business activity conducted within a residence that is conducted by the person(s) who resides in the dwelling and is clearly subordinate to the

residential use of the building and property and which is not detrimental to the residential character of the lot on which said home occupation is conducted or of the surrounding neighborhood

**HOTEL/MOTEL** — A use offering lodging accommodations, in individual rooms or suites, for occupancy by transient guests and which may include accessory services such as meeting rooms, dining facilities and personal fitness and recreation facilities.

**INSTITUTION** — A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, or government-owned or -operated building, structure, or land use for public purpose.

**JUNKYARD or SALVAGE YARD** — A facility or area for storage, collection, processing, purchase, sale, salvage, shredding, baling, or compressing of discarded material or equipment and machinery, including, but not limited to, scrap metal, textiles, rubber tires, plastic, paper, glass, lumber and products resulting from wrecking or salvage of vehicles.

**KENNEL** — Any premises, or portion thereof, where dogs, cats and other household pets are maintained, boarded, bred, or cared for, or are kept for the purpose of sale.

**LOT** — A tract of land, designated by metes and bounds, land survey, minor land division or plat, to be used, developed, or built upon as a unit, under single ownership or control.

**LOT AREA** — The area of a horizontal plane bounded by lot lines.

**LOT, CORNER** — A lot abutting two or more streets at their intersection.

**LOT COVERAGE** — The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, and patios, porches, decks and steps eight inches or more above grade.

**LOT DEPTH** — The average distance between the front lot line and the rear lot line.

**LOT, INTERIOR** — A lot that is not a corner lot.

**LOT LINE, FRONT** — The boundary of a lot which abuts a dedicated public street or private street. Where a lot abuts two or more dedicated public streets or private streets, all lot lines facing a street shall be considered a front lot line. In the case of a land-locked lot, the front lot line shall be that lot line that faces the access to the lot.

**LOT LINE, INTERIOR** — A lot line which does not abut a street.

**LOT LINE, REAR** — That boundary of a lot which is opposite or most nearly parallel to the front lot line. In the case of an irregular or triangular shaped lot, the rear lot line is a line 10 feet in length within the lot lines, parallel to and at the maximum distance from the front lot line.

**LOT LINE, SIDE** — Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD** — A lot that exists as shown or described on a plat or deed in the records of the office of the Register of Deeds of Fond du Lac County, Wisconsin, prior to the effective date of this chapter.

**LOT, THROUGH** — A lot having a frontage on two more or less parallel streets and which is not a corner lot. Both street lines shall be deemed front lot lines.

**LOT WIDTH** — The distance between the side lot lines of a lot measured along the front yard setback line.

**MAIN BUILDING FACADE** — That portion of a building or structure which is parallel or nearly parallel to the abutting street. For buildings which front on two or more streets the main building facade shall contain the main entrance to such building.

**MANUFACTURED HOME** — A factory-built single-family structure that meets the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401) which, when placed on a site, is set on an enclosed foundation, is installed in accordance with the manufacturer's instructions, and is properly connected to utilities.

**MANUFACTURING** — A use engaged in the fabricating, processing, assembly, repair, production, finishing, altering, cleaning, servicing or testing of materials, goods, or products.

**MARQUEE or CANOPY** — A roof-like structure of a permanent nature which projects from the wall of a building.

**MOBILE HOME** — A structure fabricated in a manufacturing facility designed to be towed or transported and used as a residential dwelling, not including a unit used primarily for companioning, touring or recreational purposes.

**MOBILE HOME PARK or MANUFACTURED HOME COMMUNITY** — A site under one ownership or management upon which three or more mobile homes or manufactured homes with or without required improvements are placed for nontransient use.

**MODULAR HOME** — A structure or component thereof which is intended for use as a dwelling and is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation at the building site, or is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, assembly and installation on the building site and for which certification is sought by the manufacturer. "Modular home" does not mean any manufactured home under § 101.91, Wis. Stats.

**NONCONFORMING LOT** — Any lot lawfully established prior to the adoption, revision or amendment of this chapter which does not comply with all the present regulations of this chapter for the district in which such building or lot is located.

**NONCONFORMING STRUCTURE** — A dwelling or other building that existed lawfully prior to the adoption, revision or amendment of this chapter which does not conform to one or more of the development regulations of this chapter. "Development regulations" means the part of this chapter that applies to elements, including setback, height, and lot coverage.

**NONCONFORMING USE** — A use or activity established prior to the adoption, revision or amendment of this chapter and which does not comply with the permitted use provisions of this chapter as they apply to the district in which such use is located.

**NONMETALLIC MINING** — Operations or activities for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator, including stone, sand, gravel and similar materials, and exclusive of the process of excavation and grading in preparation for the construction of a building, highway, railroad, airport or transportation facility, ponds and dredging.

**NURSING HOME** — A long-term care facility licensed or approved to provide health care under medical supervision to three or more persons, not members of the governing authority of the facility or its members by marriage, blood or adoption, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease, injury, or mental illness.

**OPEN SALES LOT** — Land used or occupied for the purpose of buying, selling, or renting merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes automobiles, trucks, motor scooters, motorcycles, boats or similar commodities.

**PARKING SPACE** — An area, enclosed in a building or unenclosed, reserved for the off-street parking of one motor vehicle and which is accessible to and from a street or alley.

**PERSONAL SERVICE ESTABLISHMENT** — A use which caters to customer needs and which may include the incidental sale of products. Personal services include dry cleaning, laundromat, barbershop, beauty salon, nail salon, tanning salon, massage, pet grooming, tattoo or body piercing, and similar service businesses, but not including adult entertainment or sexually oriented businesses.

**PET SHOP** — Any establishment, operated separately or in connection with another business enterprise, except a licensed kennel, which buys, sells, or boards any species of animal.

**PLANNED DEVELOPMENT** — A tract of land in single ownership or controlled by a partnership, corporation or cooperative group which is developed as a unit for residential purposes, or with a mix of residential and nonresidential buildings, with all required roadways, parking and loading areas, accessory buildings, open spaces and other site amenities.

**PRINCIPAL BUILDING** — See "building, principal."

**RAILROAD RIGHT-OF-WAY** — A strip of land containing railroad tracks and customary auxiliary facilities for train operations.

**RECREATIONAL EQUIPMENT** — Towed or hauled vehicles for leisure use, such as boats, snowmobiles, cargo trailers not more than eight feet in length, watercraft, and similar vehicles and equipment, except fishing shanties.

**RECREATIONAL VEHICLE** — A self-propelled motorized, towed or hauled vehicle with sleeping facilities and primarily designed as a temporary living accommodation for recreational, camping and travel use, such as a travel trailer, truck camper, tent trailer, or motor home.

**RECYCLING FACILITY** — Land and buildings used for the sorting and reshipment of solid waste.

**SETBACK —**

- A. The distance between the nearest wall of a building and any lot line.
- B. The distance between the nearest edge of a sign cabinet and any lot line.

**SHELTER FACILITY —** A temporary place of lodging for homeless individuals or families.

**SHOPPING CENTER —** A group of retail and service establishments planned, constructed and managed as a total entity and occupying 15 acres of land or greater.

**SIGN —** Any object, device, display or structure, or part thereof, situated indoors or outdoors, that is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, color, illumination or projected images. National or state flags, window displays (not including window signs), graffiti, athletic scoreboards or the official announcements or signs of government are not considered signs as defined by this chapter. For the purpose of removal, signs shall also include all sign structures as well as the sign face or cabinet.

**SIGN, ANIMATED —** A sign or part of a sign that changes physical position or light intensity by any movement or rotation to show action or to create a special effect or scene.

**SIGN, BANNER —** A sign of lightweight fabric or similar material mounted by the edges to a pole, frame or building. Streetscape features celebrating the seasons, holidays or a recognized neighborhood or district shall not be considered banners.

**SIGN, CHANGEABLE MESSAGE —** A permanent sign whose informational content can be manually or electronically changed or altered to display messages and advertising that pertain to on-site products or services of a business or use or public service and community event information and/or denote time, day, date and temperature. Includes electronic message center.

**SIGN, FLASHING —** An illuminated sign where the direct or indirect illumination is not maintained constant or stationary in intensity or color at all times when such sign is in use. This does not include changeable copy signs.

**SIGN, GROUND —** Any sign supported by a freestanding frame or structure, a pedestal structure or one or more masts or poles placed on or anchored in the ground and independent from any building or other structure. Includes pole signs and monument signs.

**SIGN HEIGHT —** The vertical distance measured from the normal grade to the highest point of the sign, inclusive of all ornamental, architectural or structural elements.

**SIGN, MOVEABLE —** A sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels.

**SIGN, MURAL —** A work of art or painting that is applied to and/or made an integral part of an exterior wall. A mural shall be considered a sign if it contains words, logos, trademarks or any graphic representation of a person, product or service that identifies or advertises a business. Artist signatures shall be allowed and limited to a maximum of two square feet in size. The decorative embellishment of architectural elements of a building is not considered a mural.

**SIGN, OFF-PREMISES** — A wall-mounted or ground sign that directions attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Includes billboard signs.

**SIGN, PROJECTING** — A one- or two-faced sign attached to a structure or building perpendicular to the wall and extending more than 12 inches; a blade sign.

**SIGN, ROOF** — A sign mounted on the roof of a building and/or projecting above the top edge or roofline of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deckline of a building with a mansard roof.

**SIGN, SANDWICH BOARD** — A hinged or unhinged A-frame sign that is temporary in nature and used to promote goods, services or events provided by the business occupying the site for which the sign serves.

**SIGN STRUCTURE** — Any structure or material that supports, has supported, or is capable of supporting or helping maintain a sign in a stationary position, including decorative covers, roofs or embellishments extending above the sign.

**SIGN, TEMPORARY** — Manual/electronic message centers, banners, streamers, pennants, balloons, inflatable fixtures and similar items used for a limited time and not permanently affixed to a building or structure.

**SIGN, WALL** — A single-faced sign attached parallel to and within 12 inches of the outside wall of a building.

**SIGN, WINDOW** — A permanent or temporary sign placed inside a window for the purpose of viewing from outside the premises. A window sign does not supersede the transparent purpose of the window.

**STORAGE, OUTDOOR** — Land outside any building or roofed area used for the keeping of goods, supplies, raw material, finished products, or vehicles, trailers and similar equipment associated with the land use.

**STORY** — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. The floor of a story may have split levels, provided that there is not more than five feet difference in elevation between the different levels of the floor. A mezzanine floor shall be counted as a story when it covers over 1/3 the area of the floor next below it or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

**STORY, HALF** — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story. A half story that provides independent apartment or living quarters shall be counted as a full story.

**STREET** — A dedicated right-of-way affording primary access by pedestrians or vehicles to abutting property. An alley or driveway shall not be considered a street.

**STRUCTURAL ALTERATION** — See "alteration."



**STRUCTURE** — Anything constructed or erected, the use of which requires more or less permanent location on, above or below the ground or attached to something having a permanent location on the ground.

**TAVERN** — Any place in which liquor and fermented malt beverages are sold for consumption upon said premises, but not including restaurants where the principal business is the serving of food.

**TELECOMMUNICATIONS TOWER** — Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)** — A compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity which:

- A. Provides a mix of housing styles, types and sizes;
- B. Incorporates a system of relatively narrow, interconnected streets, providing for connections to existing and future developments;
- C. Retains existing buildings with historical or architectural features that enhance the visual character of the community;
- D. Incorporates significant environmental features into the design; and
- E. Is consistent with the Fond du Lac Comprehensive Plan.

**TRAILER, BUSINESS** — Any vehicle or portable structure used on a temporary basis in the conduct of business, trade, or occupation and which may be used as a conveyance on streets and highways, by its own or other motive power.

**TRAILER, CARGO** — A towed or hauled vehicle designed and used for the transport of equipment, machinery, vehicles, materials, goods and objects.

**TRAILER, RECREATIONAL** — A towed or hauled vehicle with sleeping facilities and primarily designed as temporary living accommodation for recreational use. Includes travel trailer and tent trailer.

**USABLE OPEN SPACE** — Space suitable for recreation, gardens, or household service activities, such as clothes drying. Such space must be at least 75% open to the sky, free of automobile traffic, parking, and undue hazards, and readily accessible by all those for whom it is intended.

**USE** — The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and including any manner of performance of such activity with respect to the development and use standards of the City of Fond du Lac.

USE, ACCESSORY — See "accessory use."

USE, LAWFUL — The use of any building or land that conforms to all of the regulations of this chapter or any amendment hereto and which conforms to all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this chapter or any amendment thereto, for the building or land that is being examined.

USE, PERMITTED — A use that conforms to the purposes, objectives, requirements, regulations, and applicable performance standards of a particular district.

USE, PRINCIPAL — The primary or predominant use of land or buildings.

USE, SPECIAL — A use which, because of its unique characteristics, cannot be properly classified in a particular district or districts without consideration in each case of the impact of such use upon neighboring land.

USE, TEMPORARY — A use or activity conducted on an intermittent basis not intended to become permanent.

UTILITY — A public service for the provision of energy such as electricity, natural gas or heating oil. "Utility" shall include high-voltage or high-capacity transmission lines, whether above or below grade, substations and distribution lines, whether above or below grade.

VARIANCE — A modification or variance of the provisions of this chapter where it is determined that, by reason of special and unusual circumstances relating to a specific lot, strict application of this chapter would cause an undue hardship.

VETERINARY CLINIC — An enclosed building, or portion thereof, designed and used for the care, observation or treatment of domestic animals by or under the supervision of a licensed veterinarian. Animal training, grooming, medical boarding, and day care may be allowed as subordinate activities of the land use.

VISION CLEARANCE TRIANGLE — The triangular approach zones at street intersections intended to allow visibility of approaching traffic, pedestrians and bicycles. The clearance triangle shall be determined by measuring 80 feet along the center lines of intersecting streets from the point of intersection of the same and connecting these points with a line, thus defining a triangular area including right-of-way and property adjacent thereto. The placement or maintenance of any structure, vehicle, sign, landscape plantings, landscape elements, natural growth or other obstruction of view within the vision clearance triangle between four feet and eight feet above the grade of the intersection of street center lines adjacent thereto shall be prohibited. Allowable installations within the vision clearance area include utility and streetlight poles when no safer alternative location is available; trees, saplings or plant species with growth habits which develop no significant foliage which will obstruct view in the four-to eight-foot clearance area; official signs and signals; and on-street parking when traffic controls exist which permit decreased sight lines.

WETLANDS — An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

**WETLANDS, ARTIFICIAL** — A landscape feature where hydrophytic vegetation may be present as a result of human modifications to the landscape or hydrology and for which there is no prior wetland or stream history.

**YARD** — An open space that lies between a building or structure and the nearest lot line.

**YARD, FRONT** — A space extending across the entire width of a lot between any building and the lot line that abuts a public right-of-way. Corner lots and through lots have two front yards.

**YARD, REAR** — A space extending across the entire width of the lot between any building and the rear lot line. A corner lot will have a rear yard and one side yard; the designation of rear yard area shall be at the discretion of the property owner, contingent on compliance with the required side yard setback of the zoning district in which the property is located. A through lot will not have a rear yard.

**YARD, SIDE** — A space extending from the front yard to the rear yard between any building and the side lot line. A corner lot will have one side yard and a rear yard; the designation of the side yard area shall be at the discretion of the property owner, contingent on compliance with the required rear yard setback of the zoning district in which the property is located. A through lot will have two side yards.

**ZONING DISTRICTS** — The districts into which the City of Fond du Lac, Wisconsin, has been divided for zoning regulations as set forth on the Zoning Map.

**ZONING DISTRICT OVERLAY** — That zoning classification attached to a given area of land which establishes requirements in addition to or in place of those set forth in the underlying zoning district.

### ARTICLE III

#### **Zoning Districts and Zoning Map**

##### **§ 720-7. Establishment of districts.**

In order to carry out the purpose and provisions of this chapter, the City of Fond du Lac is hereby divided into the following zoning districts:

R-1	Single-Family Residential District
R-2	Single-Family and Two-Family Residential District
R-3	Central Area Residential District
R-4	Multifamily Residential District
C-1	Central Business District
C-2	General Business District
C-R	Commercial-Recreation District
O	Office District
M-1	Industrial District
M-BP	Industrial – Business Park District

S-W	Shoreland-Wetland District
A	Agricultural District
S	Shoreland Overlay District
EB-O	East Branch Overlay District
WHP-O	Wellhead Protection Overlay District
DD-O	Downtown Design Overlay District

**§ 720-8. Zoning Map; district boundaries.**

- A. Zoning Map. The districts and their boundaries are shown on the map titled "Zoning Map, City of Fond du Lac, Wisconsin," dated 2014, which map and all amendments thereto and all notations, references and other information shown thereon are hereby incorporated into and made a part of this chapter. The original Zoning Map is on file in the office of the City Clerk of Fond du Lac, Wisconsin.
- B. Establishment of boundaries. District boundary lines are the center lines of railroad, highway, street or alley rights-of-way or lot lines, or such lines extended, unless otherwise indicated by dimensions on the map. All dimension lines are measured from the center of a right-of-way or a section, quarter-section, or division line unless otherwise clearly indicated.
- C. Lot in two or more districts. Where a district boundary line divides a lot in single ownership, the district regulations of either portion of the lot may, at the City's discretion, extend into the other district.
- D. Determination of exact location. Questions concerning the exact locations of district boundary lines shall be resolved by the City of Fond du Lac Community Development Department.

**ARTICLE IV  
General Regulations**

**§ 720-9. Use requirements.**

- A. New uses. Any use of a building, structure or lot established after the effective date of this chapter, or any amendment thereto, shall be for a use which is set forth in Schedule I, II, IV or VI<sup>1</sup> as a permitted use, or a use permitted with special conditions attached, or a use permitted by a special use permit, and shall comply with the regulations applicable to the district in which such building, structure or lot is located.
- B. Existing uses.
  - (1) Where the use of a structure or the use of land existing at the time of the adoption of this chapter is made nonconforming by the provisions of this chapter, the provisions of Article XII shall apply to such use.

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**1. Editor's Note: Said schedules are included as attachments to this chapter.**

- (2) Where the use of a building, structure or lot lawfully exists on the effective date of this chapter, or any amendment thereto, and is classified by this chapter as a use permitted by special use permit in the district where it is located, such use shall be continued as a lawful special use. Any expansion or major alteration of such legally preexisting special use shall require a special use permit issued in accordance with the provisions of § 720-63 of this chapter.

C. Special uses.

- (1) To provide for the location of special classes of uses which are deemed desirable for the public welfare within a given district or districts but which are potentially incompatible with typical uses specified as permitted uses in the various schedules of this chapter, a classification of special uses is hereby established and specific special uses are listed in the various schedules.
- (2) An application for a special use permit shall be processed in accordance with the procedures set forth in Article IX of this chapter. The City Council may thereafter grant a special use permit when the proposed use is in accordance with such statutory requirements and in compliance with regulations herein set forth in Article IX and additional regulations that the City Council considers necessary to protect the public health, safety and welfare.

**§ 720-10. Bulk requirements.**

- A. New structures. New structures shall conform to the bulk requirements established herein for the district in which each such structure is located (see Schedules III, V and VII).<sup>2</sup>
- B. Existing structures. Existing structures shall not be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict or further conflict with the bulk regulations of this chapter for the district in which such structures are located, except when conversion is permitted in accordance with Schedule II, Items 8 and 9, and § 720-91 of this chapter.
- C. Existing residential lot of record. In any district where there exists a legal lot of record at the time of the adoption of this chapter which does not meet the requirements of this chapter as to area, depth or width, such lot may be used for any use permitted in the district in which it is located, upon compliance with all other applicable requirements of this chapter.
- D. Height of structure. No structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the structure is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, solar energy systems, or similar equipment required to operate and maintain the structure, and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, electric and telephone service poles, water tanks, silos, storage hoppers, elevators or similar structures, if permitted in the district, may be erected above the height limits herein prescribed.

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2. Editor's Note: Said schedules are included as attachments to this chapter.

- E. Lot division. No lot shall hereafter be divided into two or more lots unless all lots resulting from each such division shall have lot area, depth and width as required in this chapter. In the case of a lot line adjustment between existing lots of record, the boundaries shall not be changed unless all lots resulting from such modification shall provide lot area, depth and width as required in this chapter.
- F. Yards and open space.
- (1) All yards and open space required by this chapter shall be located on the same lot as the principal structure or use and shall not be less than the minimum specified for the district and the applicable schedule of bulk requirements.
  - (2) Setbacks. Where an established setback is less than required by this chapter, continuation of such nonconforming setback is allowed for the expansion of an existing building, or where the established front yard setback of a block is less than required by this chapter, a new building, building addition or structure may be sited in line with such nonconforming setback, provided that:
    - (a) On a corner lot, the continuation of a nonconforming front yard setback shall be not closer than 25 feet to the intersection of the rights-of-way lines of the intersecting streets nor interfere with the vision clearance triangle.
    - (b) In no case shall a garage or carport be located less than 20 feet from a street right-of-way.
    - (c) A building addition shall be constructed as an integral part of the existing structure.
    - (d) A building addition shall otherwise completely comply with all other requirements of this chapter and all parking and screening requirements can be met for the total development.
- G. Through lots. On through lots both street right-of-way lines shall be front lot lines and front yard setback requirements shall apply for all buildings and structures, including accessory structures such as fences, storage buildings, gazebos, playhouses and play equipment, etc. Where the established setback of a block for the yard area opposite the street address of the principal building is less than required by this chapter, an accessory building or structure may be sited in line with the nonconforming setback, provided that:
- (1) No visual obstruction of the public right-of-way is created for any abutting or nearby driveway.
  - (2) On a corner lot the continuation of a nonconforming setback shall be not closer than 25 feet to the intersection of the rights-of-way lines of the intersecting streets nor interfere with the vision clearance triangle.
  - (3) In no case shall a garage or carport be located less than 20 feet from a street right-of-way.

- H. Mobile homes. The installation or reinstallation of a mobile home as a residence in a mobile home park shall require the issuance of a mobile home permit by the Building Inspector.

**§ 720-11. Accessory buildings and uses.**

- A. Accessory buildings and uses shall be compatible with, and incidental to, the principal building or use and shall not be established prior to establishment of the principal building or use.
- B. Accessory uses shall not include the keeping, propagation or culture of poultry (except racing, homing, and show pigeons), rabbits, bees, livestock or other nonhousehold animals, whether or not for profit, except on such lots where the pursuit of agriculture is a permitted principal or accessory use.
- C. The following accessory buildings and uses are permitted and may be obstructions in yards and courts. Accessory buildings and uses not included in the listing as set forth in this subsection or specially permitted by other provisions of this chapter shall not be permitted in required yards and courts.

- F Denotes front yards  
 S Denotes interior side yards  
 R Denotes rear yards

- (1) Arbor or trellis: F, S and R.
- (2) Awning, sign or entry canopy that projects into the public right-of-way: F, S and R.
  - (a) The minimum clearance from the bottom of the projecting element or structure to grade shall be at least eight feet.
  - (b) The projecting element or structure shall not be situated within the vision triangle or in any way obstruct or impede the vision of pedestrians or motorists.
  - (c) No pole or support structure shall impede or impair public safety.
- (3) Bay window projecting not more than three feet into a front yard and not more than two feet into a side or rear yard.
- (4) Chimney projecting not more than two feet into a required yard.
- (5) Deck and balcony, aboveground (uncovered platform above the first floor elevation of a building): F, S and R. A projection of four feet from the building shall be permitted where the deck or balcony provides building egress. This provision shall apply only to the remodeling or rehabilitation of an existing building; the

construction of a deck or balcony as part of a new building shall conform to setback requirements applicable to the principal structure.

- (6) Deck and porch, ground level (uncovered platform at or below the first floor elevation of a building): F, S and R. A projection of four feet from the building, excluding steps, shall be permitted where the deck or porch provides building egress. This provision shall apply only to the remodeling or rehabilitation of an existing building; the construction of a deck or porch as part of a new building shall conform to setback requirements applicable to the principal structure.
- (7) Eaves and gutters projecting not more than four feet into a front and rear yard and not more than two feet into a side yard.
- (8) Fence, open.
  - (a) Residence districts.
    - [1] Four feet maximum height: F.
    - [2] Six feet maximum height: S and R.
    - [3] Ten feet maximum height adjacent to nonresidential uses: S and R.
  - (b) Nonresidential districts, 10 feet maximum height: S and R.
  - (c) Schools in any district, unlimited height: S and R.
  - (d) When a fence over 7.5 feet in height is permitted in a commercial or industrial district, barbed wire may be used 7.5 feet above surrounding grade. In no case shall the barbed wire increase the height of the fence beyond the maximum height permitted, and in no case shall the barbed wire overhang any lot line, sidewalk, street or alley.
- (9) Fence, solid.
  - (a) Residence districts.
    - [1] Six feet maximum height: S and R.
    - [2] Ten feet maximum height adjacent to nonresidential use or district, beginning at least 25 feet from the front lot line: S and R.
  - (b) Nonresidential districts.
    - [1] Four feet maximum height: F.
    - [2] Ten feet maximum height: S and R.
  - (c) Where a fence over 7.5 feet in height is permitted in a commercial or industrial district, barbed wire may be used 7.5 feet above surrounding grade. In no case shall the barbed wire increase the height of the fence beyond the maximum height permitted, and in no case shall it overhang any lot line, sidewalk, street or alley.



- (10) Fire escape, open or enclosed, or fire tower required for egress for commercial buildings projecting into a front yard not more than five feet and into an interior side or rear yard.
- (11) Flagpole: F, S and R.
- (12) Garage or carport: S and R.
  - (a) One-family dwelling. One garage or carport, or combination thereof, attached to or detached from the residential building, is allowed for each dwelling.
  - (b) Two-family dwelling. One garage or carport, or combination thereof, detached from the residential building is allowed for a lot, or one garage or carport, or combination thereof, attached to the residential building is allowed for each dwelling unit.
- (13) Garage or carport, detached.
  - (a) One-family and two-family dwellings.
    - [1] Maximum size: 650 square feet or cover a ground area not greater than that covered by the residential building, whichever is less, upon compliance with Subsection C(13)(a)[2] through [8] below. Where a property owner desires to consolidate the allowable garage area of 650 square feet and the allowable area of a storage building (100 square feet), a garage area of up to 750 square feet is permitted, provided that the area covered by the residential building is 750 square feet or greater, and upon compliance with Subsection C(13)(a)[2] through [10] below. Where a lot is more than 10,000 square feet in area, and where the property owner desires to consolidate the allowable garage area of 650 square feet and the allowable area of a storage building (200 square feet), a garage area of up to 850 square feet may be permitted, provided that the area covered by the residential building is 850 square feet or greater, and upon compliance with Subsection C(13)(a)[2] through [10] below.
    - [2] Maximum height: 15 feet.
    - [3] Setbacks: not less than two feet from any rear or side lot line.
    - [4] Building separation: follow fire separation requirements of the Uniform Dwelling Code.
    - [5] The front wall of a detached garage or carport shall not extend beyond the front wall of the residential building.
    - [6] The width of a detached garage shall not exceed more than 1/2 of the width of the lot.
    - [7] The general appearance and construction materials of garage and carport structures shall resemble the residence. The use of metal buildings is not allowed.

- [8] Eave troughs and downspouts shall be provided to direct roof water away from adjacent properties.
  - [9] Accessory buildings, such as storage and garden sheds, gazebos, playhouse structures, swimming pool maintenance buildings, etc., shall be prohibited. In the case of an existing accessory building, removal of such building shall be required upon completion of a new garage.
  - [10] The construction of an uncovered parking space alongside the garage and/or the open parking or storage of recreational vehicles and equipment, such as motor homes, travel trailers, campers, tent trailers, boats, watercraft, snowmobiles, and cargo trailers, shall be prohibited.
- (b) For two or more one-family dwellings on one lot, see § 720-33.
  - (c) For two or more two-family dwellings on one lot, see § 720-32.
  - (d) Multifamily dwellings.
    - [1] Maximum size. A garage or carport shall not cover a ground area greater than that covered by the residential building(s).
    - [2] Maximum height: 15 feet.
    - [3] Setbacks: comply with yard requirements of the principal use.
    - [4] Building separation: see § 720-32E.
    - [5] The general appearance and construction materials of garage or carport structure shall resemble the residential building. The use of metal buildings is not allowed.
- (14) Garage or carport, attached.
- (a) One-family and two-family dwellings.
    - [1] Maximum size: cover a ground area not greater than that covered by the residential building.
    - [2] Maximum height: one story.
    - [3] Setbacks: comply with yard requirements of the principal use.
  - (b) For two or more one-family dwellings on one lot, see § 720-33.
  - (c) For two or more two-family dwellings on one lot, see § 720-32.
  - (d) Multifamily dwellings.
    - [1] Maximum size: cover a ground area not greater than that covered by the residential building(s).
    - [2] Maximum height: one story.

[3] Setbacks: comply with yard requirements of the principal use.

(15) Gazebo: R.

- (a) One-family and two-family dwellings. One gazebo shall be permitted per lot, provided that the property does not include any other accessory building, such as a garden or storage shed, playhouse structure, swimming pool maintenance building, etc.
- (b) For two or more one-family dwellings on one lot, see § 720-33J(2).
- (c) For two or more two-family dwellings on one lot, see § 720-32H.
- (d) For multifamily dwellings, see § 720-32H.
- (e) Maximum area: cover a ground area not to exceed 10% of the rear yard area, or not more than 200 square feet, whichever is less. The rear yard shall include the uncovered lot area behind the residence.
- (f) Maximum height shall not exceed one story or 15 feet, inclusive of decorative architectural elements.
- (g) Setbacks: not less than two feet from any side or rear lot line and not less than five feet from the residence or a detached garage.
- (h) Siting and construction of a gazebo shall not interfere with property drainage.
- (i) A gazebo shall be used for recreational purposes only. A gazebo shall not be used, or converted for use, for sleeping or living quarters, a workshop or studio, a home occupation, or for storage purposes.

(16) Outdoor wood burning furnace: R. Mechanical equipment designed and intended, through the burning of wood, for the purpose of heating a structure on the premises.

- (a) Permit. A heating permit is required prior to installation. Only a furnace tested and listed by a recognized testing laboratory will be allowed. Electrical wiring to serve an outdoor furnace shall be installed in accordance with the Wisconsin Electrical Code. A site plan indicating the location of the furnace on the property, and information to determine compliance with applicable standards and codes, shall be filed with the permit application.
- (b) Location. One outdoor furnace may be installed on a single-family residential lot, or on a lot used for single-family residential purposes, at least 0.5 acre in size. An outdoor furnace shall be restricted to the rear yard, located not closer than 10 feet to any structure on the premises, and located at least 150 feet from any door, operable window or air intake vent of a building regularly occupied by people on an adjoining lot. Where an adjoining lot is undeveloped, the outdoor furnace shall be located at least 50 feet from a side or rear lot line.

- (c) Chimney height. The maximum height of a chimney shall be not more than 10 feet in height.
  - (d) Firewood storage. Firewood shall be stored in the rear yard only. Firewood may be temporarily stored in the front yard for a period of 10 days from the date of delivery. Firewood shall be neatly stacked and not higher than four feet. Not more than four cords of wood shall be stored in the open. A cord of wood is described as four feet by four feet by eight feet. All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises. The open storage of scrap wood, pallets and similar materials shall not be allowed.
  - (e) Existing furnaces. An outdoor wood burning furnace installed prior to adoption of this Subsection C(16) may continue to be used indefinitely, except that replacement or modification may occur only upon compliance with all requirements of this Subsection C(16). In the event that compliance with this subsection cannot be achieved for modification or replacement, the furnace shall be removed.
  - (f) Abandonment and discontinuance. Any outdoor wood-burning furnace that does not comply with the standards of this Subsection C(16) and is abandoned or discontinued for a period of 12 months shall be removed by the property owner from the subject premises.
  - (g) Disconnection or removal. If an outdoor furnace or any part thereof is deemed unsafe, the City Inspector may order that the furnace be permanently disconnected or removed.
  - (h) Public nuisance. Dense smoke, noxious fumes, gas and soot, cinders, or live sparks produced by an outdoor furnace that interfere substantially with the comfortable enjoyment of life, health or safety of another person or the public may be declared a public nuisance by a properly designated authority and ordered abated.
- (17) Playground equipment and clothes drying equipment: R.
- (18) Rummage/yard/garage sale, craft sale and similar sales event. Four sales in a calendar year are permitted for a residential property, each event not to exceed three consecutive calendar days in duration.
- (19) Shed, storage building for garden equipment and household items, playhouse structure, and swimming pool maintenance building: S and R.
- (a) One-family and two-family dwellings. In addition to an attached or detached garage, one accessory building as described above is permitted for a lot, not to exceed 100 square feet in area for a lot 10,000 square feet or less in area. Where a lot is more than 10,000 square feet in area, an accessory building up to 200 square feet in area is permitted, provided that the structure is complementary in design, materials and colors to the principal residential building. See also Subsection C(13)(a) and (14). An accessory building shall

not be more than one story or 15 feet in height, whichever is less, and shall be not less than two feet from any side or rear lot line and not less than five feet from the nearest residential building.

- (b) For two or more one-family dwellings on one lot, see § 720-33J(1).
- (c) For two or more two-family dwellings on one lot, see § 720-32H.
- (d) For multifamily dwellings, see § 720-32H.
- (20) Sills, cornices and ornamental features of the principal building, projecting not more than 18 inches: F, S and R.
- (21) Solar energy equipment: S and R.
- (22) Steps, open, necessary for access to and from the dwelling or an accessory building, steps as access to the lot from the street, and in gardens or terraces, provided there are no more than eight steps for access to and from a principal or accessory building: F, S and R.
- (23) Swimming pool: S and R.
- (24) Temporary building and/or fence for construction purposes for a period not to exceed such construction and in accordance with plans approved by the Building Inspector: F, S and R.
- (25) Tennis court, private: R.
- (26) Outdoor fireplace: R.

#### **§ 720-12. Site plan approval.**

Any land use or activity in any zoning district, approval of which is contingent upon site plan approval, shall comply with the requirements of this section unless contrary provisions related to specific uses are set forth elsewhere in this chapter. The site plan requirement is applicable to the first-time development of a property as well as to additions and expansions of existing buildings.

- A. Site plan requirements. The purpose of a site plan is to illustrate existing property conditions and provide details of new construction and/or site modifications. The site plan review process is intended to ensure that newly developed properties, expanded structures or redeveloped properties are compatible with adjacent development and meet requirements for zoning, safety, traffic and utility service, and comply with environmental standards. A site plan shall address the following:
  - (1) Conformance to this chapter and the Official Map, with attention to any proposed rights-of-way. Proposed rights-of-way should be provided for and proper district setback regulations applied from such proposed right-of-way.

- (2) Ingress and egress to the property; facilitate efficient and safe circulation of traffic both on the site and as it interfaces with the public right-of-way and adjacent properties. The consolidation of access for major traffic arteries is encouraged.
  - (3) Property drainage, with reference to the effect of provisions for drainage on adjacent properties and the consequences of such drainage on overall City drainage capacities.
  - (4) When applicable, recreation and open space, with attention to the size, suitability, development and continued maintenance of the area and the impact on any adjacent living areas.
  - (5) Landscaping of site with attention to yard areas along and visible to public rights-of-way. Provide appropriate screening of parking, truck loading, refuse containers, mechanical equipment and outdoor storage areas from adjacent uses and public rights-of-way.
- B. Plan approval. The Building Inspector may not issue a building permit for any land use or activity in any zoning district, approval of which is contingent upon site plan approval, until a final site plan has been approved by the Community Development Department. Where a decision of the Community Development Department is not agreeable to the project applicant, the applicant may request, in writing, that the Plan Commission review the site plan. Said written request shall also contain the applicant's reasons for making such request. The Community Development Department shall submit, in writing, its justification to not approve the site plan. The Plan Commission may approve, conditionally approve or deny approval of the contested site plan.

### **§ 720-13. Vision clearance triangle.**

On corner lots and on the right-of-way within the vision clearance triangle, no obstruction of vision shall be erected, installed, planted, parked or otherwise placed on any lot between four feet and nine feet above the grade of the sidewalk adjacent to such streets and within the vision clearance triangle as defined in § 720-6 of this chapter.

### **§ 720-14. Mobile homes; recreational vehicles and equipment; prohibited vehicles and equipment.**

- A. Mobile homes. Mobile homes shall not be used for dwelling purposes except in a lawfully established mobile home park. The temporary use of a mobile home shall be permitted upon issuance of a permit by the Building Inspector for the following purposes:
- (1) Use for a temporary office or for storage incidental to a construction project, and only for the period of construction, provided that such mobile home is located on the same or contiguous lot as said construction and moved promptly at the end of construction or upon notice by the Building Inspector.
  - (2) Use for a temporary office in a commercial or industrial district, or for temporary classroom space for a school, for a period not to exceed 12 months.

- (3) Use as an interim dwelling in the event a permanent residence has been severely damaged or destroyed, for the period of repair or reconstruction.
- B. Recreational vehicles and recreational equipment. The provisions of this subsection shall apply to any lot in a residence district or any lot used for residential purposes.
- (1) Not more than one recreational vehicle or one item of recreational equipment shall be parked or stored outside of an enclosed building.
  - (2) The outdoor parking or storage of a motor home, travel trailer or truck camper shall be restricted to a paved parking area alongside of a garage, where additional paved parking per § 720-79C is provided, and provided that no major repair, disassembly or rebuilding operations are conducted thereon. A tent camper may be stored within the lawn area of a side or rear yard, provided that such camper is not visible to neighboring properties by virtue of location, fencing or landscaping.
  - (3) Recreational equipment may be parked or stored outside of an enclosed building within the lawn area of a side or rear yard, or within a driveway when situated so as not to project in front of the front wall of the residence, and provided that such equipment is not visible to neighboring properties by virtue of location, fencing or landscaping, and provided that no major repair, disassembly or rebuilding operations are conducted thereon. The parking or storage of recreational equipment within any front yard area shall be prohibited.
  - (4) The temporary outdoor parking of a recreational vehicle or recreational equipment within a driveway or other yard area shall be allowed for the purpose of loading or unloading, washing or general maintenance, for a period not to exceed 72 consecutive hours.
- C. Prohibited vehicles and equipment. The following vehicles and equipment, as well as similar vehicles and equipment, shall not be parked or stored in any residence district or on a lot used for residential purposes, except for the purpose of servicing the premises:
- (1) Vehicles: truck tractor, semi-trailer, independent trailer, commercial walk-in truck, dump truck, commercial flat bed truck, commercial or industrial trailer of any kind, carnival trailer, utility trailer greater than eight feet in length, truck equipped with power attachments or tools (excluding tow truck), school bus, commercial bus, or passenger carrying vehicle which exceeds 21 feet in length.
  - (2) Equipment: any special mobile equipment, such as ditch-digging apparatus, asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls, scrapers, power shovels, self-propelled cranes, or earthmoving equipment.
- D. Inoperable vehicles and equipment: any inoperable vehicle, any vehicle or equipment included in Subsections A, B and C above which is not legally registered to operate on a public street, or any dismantled portions thereof shall not be parked or stored outside of an enclosed building on a lot in a residence district or on a lot used for residential purposes.

**§ 720-15. Temporary land uses.**

A temporary land use is any use conducted on an intermittent basis not intended to become permanent. Such uses may include, but are not limited to, the sale of seasonal merchandise (fireworks, Christmas trees, agricultural produce, etc.), circuses and carnivals, outdoor farmers markets. Temporary sales sites shall be limited to commercial zoning districts, unless otherwise allowed by this chapter. Outdoor temporary/seasonal merchandise sales and displays associated with a permitted land use are exempt from the requirements of this section, except that no items shall be displayed within any required yard and/or within the vision clearance area.

- A. Permit required. The Building Inspector may issue a permit to allow a temporary land use for a period not to exceed 60 days.
- B. The placement of any tent, sales trailer or temporary structure shall not encroach into the public right-of-way, be placed within the vision clearance area, or be situated to encourage unsafe traffic movements or compromise public safety.
- C. Signs and/or displays of merchandise shall not be permitted within the public right-of-way or cause vision obstructions within a site. Off-site signs shall be prohibited.

**§ 720-16. Outdoor storage.**

The open storage of junk, refuse, scrap, or disabled or damaged motor vehicles, whether awaiting repair or not, is prohibited in all zoning districts. The enclosed outdoor storage of materials, inventory, equipment and vehicles, when permitted within a zoning district, shall be completely surrounded by a solid fence or wall which effectively obscures vision of the storage from adjacent properties and public rights-of-way.

**§ 720-17. Radio and television antennas and towers.**

Amateur radio and television antennas and towers may be installed, erected and maintained within all zoning districts incidental to the permitted land use.

- A. Purpose. It is the intent of this section to strike a balance between the federal interest in promoting amateur operations and the legitimate interest of the City of Fond du Lac in regulating local zoning; to permit towers and antennas without creating adverse aesthetic impacts, particularly in residential neighborhoods, by specifying the number and location of towers and antennas; to protect the health, safety and general welfare of the community through the issuance of a building permit to assure installations as recommended by the antenna and/or tower manufacturer; to preserve the rights of property owners by confining appurtenant equipment within the boundaries of the property on which the antenna and/or tower is located; and to protect the integrity of public utility installations by prohibiting the installation of appurtenant equipment within easements to reserve for the public benefit.
- B. Definition. As used in this section, the term "antenna" means any system of wires, poles, rods or similar devices used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any building. Antennas shall



include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

- C. Permit required. No radio or television antenna or tower shall be installed unless a permit therefor is first obtained by the owner or his agent from the Building Inspector.
- D. Equipment installation. Antennas and antenna towers shall be installed pursuant to the manufacturer's specifications. The combined wind load area of an antenna and tower shall not exceed the manufacturer's recommendations.
  - (1) Residential zoning districts.
    - (a) Number of antennas and antenna towers.
      - [1] One-family dwellings: one roof-mounted antenna per building and one antenna tower per lot.
      - [2] All other dwellings: one roof-mounted antenna and one antenna tower per building.
    - (b) Height restrictions.
      - [1] Roof-mounted antenna: 30 feet, measured from the highest peak of the roof.
      - [2] Antenna tower: 70 feet, measured from finished grade. Antenna height is not restricted.
    - (c) Antenna tower siting. Antenna towers may be erected only within a side or rear yard.
  - (2) All other zoning districts. The installation of antennas and antenna towers shall be in accord with applicable development regulations set forth in this chapter for such zoning districts.
- E. Appurtenant equipment.
  - (1) No part of an antenna array shall extend beyond any property boundary.
  - (2) Buried radials shall not encroach into a utility easement.
  - (3) Guy wires shall not be anchored within a front yard and shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.
- F. Prohibited signs or devices. The attachment to an antenna or antenna tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited. This regulation does not include weather devices.

- G. Variance and exceptions. A permit for any proposed antenna or antenna tower not conforming to the requirements of this section may be granted with the approval of the Board of Appeals pursuant to § 720-95 of this chapter. When considering a permit, the Board of Appeals shall strike a balance between the federal interest in promoting amateur operations as stated by the Federal Communications Commission in its declaratory ruling PRB-1 and the legitimate interest of the City in regulating local zoning and strive to make a reasonable accommodation between those two interests. The Board shall also explore alternatives to a blanket denial of a permit by means of seeking a compromise, whenever possible, with the amateur operator and the local zoning authority. The Board shall deny a request for a variance or special exception only in cases where it makes a specific finding that this section constitutes the minimum practicable regulation necessary to protect the health, safety and welfare of the public and to avoid creating adverse aesthetic impacts on the neighborhood.

#### **§ 720-18. Telecommunications towers and antennas.**

Telecommunications towers and antennas shall not be regulated or permitted as essential services, public utilities or private utilities. The purpose of this section is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunications towers and antennas for use in providing personal wireless services and the legitimate interest of the City of Fond du Lac in regulating local zoning. The goals of this section are to protect residential areas and land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques; consider the public health and safety of communication towers; and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the City of Fond du Lac shall give due consideration to the Comprehensive Plan, Zoning Map, and existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.

A. Applicability.

- (1) New towers and antennas. All new towers or antennas in the City of Fond du Lac shall be subject to these regulations, except as provided in Subsection A(2) and (3).
- (2) Amateur radio station operators/receive-only antennas. This section shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- (3) Preexisting towers or antennas. A tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this section, other than the requirements of Subsection C(2).

- B. Permit required. No tower or antenna shall be installed unless a permit is first obtained by the owner or his agent from the Building Inspector.
- C. General requirements. In addition to compliance with all applicable regulations of this section, the following standards shall apply for the installation of any tower or antenna:
- (1) Building codes; safety standards. The owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  - (2) State or federal requirements. All towers and antennas shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner of a tower and antenna governed by this section shall bring such tower and antenna into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  - (3) Co-location. A proposed tower shall be structurally and electrically designed to accommodate one or more antennas for multiple users.
  - (4) Height. Antenna height shall not be restricted, provided that such device is installed and maintained in accord with applicable state or local building codes and in compliance with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas. Tower height shall not be restricted when such structure is a permitted land use; where a special use permit is required, the provisions of § 720-72B shall apply. Tower height is the distance measured from finished grade to the highest point on the tower or other structure, including the base pad.
  - (5) Setbacks. A tower shall be located not closer than a distance equal to 100% of the height of the tower from any adjoining lot line. Guy wires and appurtenant equipment and buildings shall comply with requirements of the zoning district in which the tower is located.
  - (6) Separation between land uses. Tower separation shall be measured from the base of the tower to the lot line of the use and/or designated area as specified herein:
    - (a) Residential (one- and two-family dwellings, including modular/mobile homes), vacant land zoned for residential use that has been platted or has

preliminary plat approval, land designated by the Comprehensive Plan for future residential use: 200 feet or 300% of tower height, whichever is greater.

- (b) Residential (multifamily), institutional, religious and educational uses: 100 feet or 100% of tower height, whichever is greater.
- (7) Aesthetics. Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (8) Signs. No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.
- (9) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (10) Fencing. A tower shall be enclosed by security fencing not less than six feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
- (11) Landscaping. A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least five feet in width outside the perimeter of the tower compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (12) Appurtenant equipment and buildings.
  - (a) Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with an antenna may be located on a roof, provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning code requirements.
  - (b) Antennas mounted on utility poles, light poles or towers. The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view.

D. Permitted uses.

- (1) Allowable zoning districts. The installation of a tower or antenna, including the placement of buildings or other supporting equipment used in connection with said tower or antenna, may be permitted in the M-1 Zoning District.
  - (2) Municipal sites. Antennas installed on a structure other than a new communication tower or antennas installed on an existing communication tower shall be permitted where located on property owned, leased or otherwise controlled by the City of Fond du Lac, irrespective of zoning district, provided that a lease or other agreement to authorize such antenna or tower has been approved by the City.
  - (3) Antennas or towers on existing structures. An antenna or tower situated on the roof of a structure in a commercial or industrial district may be allowed, provided that such device is installed and maintained in accord with applicable state or local building codes and complies with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.
  - (4) Antennas on existing towers. The attachment of a new antenna on an existing tower may be allowed, provided that:
    - (a) A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same type as the existing tower, unless reconstructed as a monopole;
    - (b) An existing tower may be modified or rebuilt to accommodate the co-location of additional antenna and may be moved on site within 50 feet of its existing location, but the relocation may only occur one time per communication tower;
    - (c) After a tower is rebuilt to accommodate co-location, only one tower may remain on the site; and
    - (d) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands shall only be permitted when approved by the City Council.
- E. Special uses. The installation of towers, antennas and appurtenant equipment or buildings may be allowed by special use permit in the C-2 and M-BP Zoning Districts. An application for a special use permit shall be subject to the procedures and requirements of §§ 720-64 and 720-72.
- F. Removal of abandoned antennas and towers. An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the City of Fond du Lac notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- G. Exempt facilities. Publicly owned and operated telecommunications facilities required in the public interest to provide for and maintain a radio frequency telecommunication

system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services are exempt from this section.

**§ 720-19. Building relocation.**

No person shall move a building into or within the City limits except in accord with conditions of this section. The required conditions shall apply to any building to be moved, regardless of its intended use or the zoning classification of the property on which it will be sited:

- A. The relocation of a building shall be reviewed and approved by the Community Development Department prior to the issuance of a moving permit. The permittee shall submit photographs of the building to be moved (all elevations, open space, and views from the street), a description of proposed exterior changes and building rehabilitation, and a proposed site plan of the property on which the building will be sited. If the building is intended for nonresidential use, information about its existing use and its proposed use should be included as part of the permittee's submittal.
- (1) The Community Development Department shall approve, conditionally approve or deny a proposal for relocation. Where a decision of the Community Development Department is not agreeable to the applicant, the applicant may request, in writing, that the Plan Commission review the plans. Such appeal shall be within 30 days of the date of the Community Development Department's decision. Construction of a foundation for a relocated building shall begin within six months from the date of Plan Commission approval or the approval shall be null and void.
  - (2) The Community Development Department shall not approve granting of a permit for building relocation unless it determines that the building is compatible with the surrounding neighborhood and it will not detract from the character of the neighborhood. To determine neighborhood compatibility, the Department shall consider the intended use of the building, its architectural style, building materials, building size, building height, and number of stories.
  - (3) Where covered parking is provided, garage design and architecture, building materials and color shall match or closely resemble the principal residential building. The front wall of a garage shall not extend beyond the front wall of the main building facade; this requirement shall apply to an attached or detached garage.
  - (4) Effective landscaping shall be provided to enhance the appearance of the property and to screen uncovered parking areas.
  - (5) Off-street parking shall be provided in accordance with Article X of this chapter and that ingress and egress are designed so as to cause minimum interference with traffic on abutting streets.
- B. Community Development Department staff shall determine if the structure to be moved has historic or architectural significance and, if so, whether requirements of the Chapter 374, Historic Preservation, apply. In areas of historic or architectural significance, the

Historic Preservation Commission shall determine the suitability of the building to the neighborhood. Review by the Historic Preservation Commission shall occur prior to the Plan Commission review of a proposed building relocation.

- C. Relocation of a building into or within the City limits shall comply with the provisions of § 255-10, Moving of Buildings, of this Code.
- D. The permittee shall pay a cash deposit to the City of Fond du Lac pursuant to § 255-10E of this Code. The cash deposit shall act as a completion bond to ensure that the relocated building will be properly secured and rehabilitated on its new site. Upon completion of all building and site improvements as required by this section, the deposit shall be returned to the property owner. Failing completion of all required building and site improvements, the cash deposit shall be used towards building demolition, site clearing and property restoration by the City of Fond du Lac.
- E. Building siting shall comply with all requirements of Chapter 255 of this Code pertinent to its use and occupancy and all requirements of the property's underlying zoning district, to include setbacks, building height and lot coverage.
- F. A building shall be placed on its new foundation within 30 days of relocation.
- G. Where the permittee intends to construct a basement for a relocated building, it shall complete this work within 30 days of building permit issuance for such construction. Failing such, incomplete basement construction shall be declared a public nuisance and shall be remedied by the City and the cost thereof charged against the property.
- H. The permittee shall complete exterior building rehabilitation, the construction of paved on-site parking and/or driveway areas, and site landscaping within three months of building relocation.
- I. The permittee may request relief from a required time line for the completion of work in accord with this section. The permittee shall submit a written request to the Department of Community Development prior to the expiration of a required completion date. The permittee's written request shall set forth the facts that require an extension. An extension may be approved where extenuating circumstances would preclude the timely completion of required work.
- J. The provisions of this section shall not apply to a designated historic site significant in local history, architecture and culture, owned and operated for the public benefit by a county or local historical society.

## ARTICLE V

### Shoreland, Agricultural and Overlay Districts

#### § 720-20. Intent.

The general intent of this article is to set forth land uses or activities which are permitted in areas which are environmentally sensitive, are of environmental concern, or are rural in character. This article also sets forth uses which are allowed with special conditions and land uses which must receive a special use permit. The Fond du Lac County shoreland zoning

provisions in effect on the date of annexation of land are replaced by this article which shall be administered by the City of Fond du Lac for all areas annexed by the municipality after May 7, 1982.

**§ 720-21. S-W Shoreland-Wetland District.**

The intent of the Shoreland-Wetland District is to prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, the placement of structures and land uses; and to preserve shore cover and the natural beauty adjacent to lakes, rivers and streams and other water bodies. All wetlands and portions of wetlands, regardless of size, which are designated as wetlands on the Wetland Inventory Maps and within the jurisdiction of this chapter shall be regulated. Wetlands of less than five acres, identified with a point symbol on the Wetland Inventory Maps, shall not be regulated under this section unless specific boundaries are approved for such areas and such boundaries are added to the Wetland Inventory Maps. The Shoreland-Wetland District is meant to comply with §§ 62.231 and 281.31, Wis. Stats. The final Wetlands Inventory Map, dated September 18, 1986, is made part of this chapter.

**§ 720-22. S Shoreland Overlay District.**

The intent of the Shoreland Overlay District is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty. The Shoreland Overlay District shall affect lands 1,000 feet from the ordinary high-water mark of a lake, pond or flowage and lands 300 feet from the ordinary high-water mark from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**A. General requirements.**

- (1) Minimum lot area: 10,000 square feet.
- (2) Minimum average width: 65 feet.
- (3) Minimum setback: 75 feet from the ordinary high-water mark of an adjacent body of water to the nearest part of a building or structure shall be required for all buildings and structures, except piers, boat hoists and boathouses. Where an existing pattern of development exists, a new home may be constructed closer than 75 feet to the ordinary high-water mark at the same setback as the average setback of neighboring homes.

**B. Trees and shrubbery.** The cutting of trees and shrubbery shall be regulated to protect the natural beauty, control erosion and reduce the flow of effluents, sediments and nutrients from the shoreland area. The tree and shrubbery cutting regulations required by this section shall not apply to the removal of dead, diseased or dying trees or shrubbery.

- (1) In the strip of land 35 feet wide inland from the ordinary high-water mark, no more than 30 feet in any 100 feet shall be clear-cut.



- (2) In shoreland areas more than 35 feet inland, tree and shrub cutting shall be governed by consideration of the effect on water quality and consideration of sound forestry practices and soil conservation practices.

#### **§ 720-23. A Agricultural District.**

The intent of the Agricultural District is to preserve productive agricultural land for food and fiber production, preserve productive farms by preventing land use conflicts between incompatible uses, maintain a viable agricultural base to support agricultural processing and service industries, reduce costs of providing services to scattered nonfarm uses, pace and shape urban growth, implement the provisions of the Fond du Lac County Farmland Preservation Plan and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. This district is also intended to provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion, defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost, and to ensure that urban development is compatible with local land use plans and policies. The agricultural transition zoning classification is meant to comply with the provisions of the Farmland Preservation Law as set forth in § 91.14, Wis. Stats.

#### **§ 720-24. EB-O East Branch Overlay District.**

The intent of the East Branch Overlay District is to protect water quality and mitigate potential development impacts along the East Branch of the Fond du Lac River extending from the route of the Highway 151 bypass upstream to the corporate limits of Fond du Lac. The East Branch Overlay District shall include the area within 300 feet of the high-water mark of the river or to the landward side of the floodplain, whichever is greater.

- A. A one-hundred-foot conservancy strip shall be required for any development extending from the ordinary high-water mark of the East Branch of the Fond du Lac River. Land within the conservancy strip shall remain in a substantially undeveloped state in order to conserve natural resources and protect and preserve the amenities of the environment. No cutting or removal of vegetation, grading, filling, ditching or similar work shall be permitted within the conservancy strip.
- B. When land is platted, the public dedication of a portion of shoreland/floodplain land areas shall be required for the development of property along the East Branch of the Fond du Lac River.
- C. Minimum lot width requirement: 150 feet.
- D. Minimum lot depth requirement: 300 feet.
- E. Minimum lot area: 45,000 square feet.
- F. Minimum building setback: 150 feet. The building setback shall be measured from the ordinary high-water mark of the East Branch of the Fond du Lac River.

- G. The development of public and/or private lands shall be subject to on-site stormwater detention and runoff control where:
- (1) The land development activity exceeds a gross aggregate area of three acres or more;
  - (2) The land development activity will be a development having a gross aggregate area of at least one acre but less than three acres, having 50% or more of the area as impervious surfaces, including roads, buildings, parking facilities and other improvements; or
  - (3) In the opinion of the City Engineer or designee, the runoff from the development will exceed the safe capacity of the existing drainage facilities, or cause undue ditch erosion, or increase water pollution by scour and transport of particles, or endanger downstream properties, or drain surface or storm water onto adjoining properties.
- H. Reduction of the post-development runoff peaks will generally be done by maintaining large amounts of vegetation by various types of detention storage. Detention storage, when used, shall be designed by these criteria:
- (1) Design the outflow structure so that the post-development peak flow rates for the two-year and one-hundred-year storm do not exceed the predevelopment peak flows for the two-year and one-hundred-year storms. If the rounded two-year predevelopment peak flow equals zero, calculate the flow from the unit peak discharge in the TR-55 output table ( $Q = \text{UPD} \times \text{DA} \times \text{inches of runoff}$ ).
  - (2) Peak rates of flow, runoff volumes, and detention basin designs shall be done using the United States Department of Agriculture, Natural Resources Conservation Service, Technical Release No. 55, Urban Hydrology of Small Watersheds, commonly known as "TR-55."
- I. The rainfall duration shall be 24 hours.

<b>Frequency (years)</b>	<b>Rainfall Amount (inches)</b>
2	2.6
5	3.4
10	3.9
25	4.5
50	5.0
100	5.6
500	6.5

- J. Where on-site detention is used for runoff control, the detention facility shall safely detain the runoff volume of the peak discharge as outlined in this section from a one-hundred-year post-development storm. Runoff in excess of the one-hundred-year

development condition event must be safely passed. If any portion of the detention area is going to be used for occasional storage of materials or parking, the detention volume must be increased by 10%. Use of a detention area for recurrent storage shall be prohibited.

**§ 720-25. WHP-O Wellhead Protection Overlay District.**

The intent of the Wellhead Protection Overlay District is to protect the municipal water supply and well fields and to promote the public health, safety and general welfare of the residents of the City. The regulations of this district are based on the City of Fond du Lac Wellhead Protection Plan and shall apply in addition to all other regulations of any zoning district designated in the area. Whenever the regulations in the WHP-O and the underlying zoning regulations conflict, the more restrictive regulation(s) shall apply.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**AQUIFER** — A saturated, permeable geologic formation that contains, and will yield, significant quantities of water.

**CONE OF DEPRESSION** — The area around a well in which the water level has been lowered at least 1/10 of a foot by pumping of the well.

**FIVE-YEAR TIME OF TRAVEL** — The recharge area upgradient of the cone of depression from the outer boundary of which it is determined or estimated that groundwater will take five years to reach a pumping well.

**MUNICIPAL WATER SUPPLY** — The municipal water supply of the City of Fond du Lac.

**RECHARGE AREA** — The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supply groundwater to a well.

**THIRTY-DAY TIME OF TRAVEL** — The recharge area upgradient of a well, or its cone of depression, from the outer boundary of which is determined or estimated that groundwater will take 30 days to reach a pumping well.

**WELL FIELD** — A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

**ZONE OF SATURATION** — The area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

- B. Boundaries. The Wellhead Protection Overlay District shall encompass a circular area having the municipal well at its center and extending outward in a twelve-hundred-foot radius therefrom.
- C. Wellhead protection zones. Each wellhead shall have two zones of protection:

- (1) WHP Zone A is defined by the five-year time of travel (TOT) zone of concentration.
- (2) WHP Zone B is the area within a twelve-hundred-foot radius around the well.
- D. Permitted uses. Any land use or activity allowed as permitted in the principal zoning district, except those uses listed as special uses by this section, is permitted.
- E. Special uses. If allowed in the principal zoning district as a permitted land use or activity, or as a special land use or activity, the following uses may be permitted after review by the Plan Commission and upon authorization of the City Council:

Asphalt products manufacture  
 Automotive service station  
 Bus, truck/motor freight terminal  
 Fertilizer and/or pesticide facility (storage, mixing, loading)  
 Cemetery  
 Chemical processing and manufacture  
 Chemical storage tanks  
 Dry-cleaning establishment  
 Electroplating  
 Exterminating service (storage, mixing, loading)  
 Hazardous and/or toxic waste facilities  
 Industrial pipeline  
 Landfill or waste disposal facility  
 Paint and coating manufacture  
 Petroleum storage tanks  
 Salvage/recycling yards and facilities

- F. Land use review. The Community Development Department shall review any new land use, and the expansion, modification or replacement of an existing land use, in the Wellhead Protection Overlay District. A determination of suitability shall ensure that the use/activity is consistent with this section and that the proposed use/activity will not be a threat to groundwater contamination.
  - (1) Where a decision of the Community Development Department is not agreeable to the applicant, the applicant may request, in writing, that the Plan Commission review the proposed land use, activity and/or plans. Said written request shall describe the applicant's reason for the request. The Community Development Department shall submit, in writing, its justification and the reasons for not granting approval of the land use, activity, and/or plans. The Plan Commission shall then review the decision and make a determination of suitability.
  - (2) Land use review shall be based on the City of Fond du Lac Wellhead Protection Plan and on the presence, use, or storage on the property of hazardous chemicals.

Consideration will be given to factors including but not limited to whether the property is in Zone A or Zone B, effective storage or containment of particular hazardous chemicals, and the magnitude and/or frequency of use of the hazardous chemicals. A land use review shall consider:

- (a) The City's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
- (b) The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater in the City of Fond du Lac or the City's recharge area.
- (c) The economic hardship which may be faced by the landowner if the land use/activity is denied.
- (d) The availability of options to the applicant, and the cost, effect and extent of availability of such alternative options.
- (e) The proximity of the applicant's property to other potential sources of contamination.
- (f) The existing condition of the City's groundwater public water wells and well fields and the vulnerability to further contamination.
- (g) The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
- (h) The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

**§ 720-26. General provisions.**

- A. One-family detached dwelling. Residential dwellings in agricultural districts must have been constructed prior to the effective date of the adoption of this chapter, except where clearly accessory to or associated with agricultural uses. Residential one-family detached dwellings shall be considered accessory to agricultural uses, provided such dwellings are occupied by a person or a family at least one of whom earns a substantial part of his or her livelihood from farming operations on the farm parcel or parents or children of the farm operator. Residential dwellings are not permitted within wetland areas.
- B. Open space and conservation uses. The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas shall be permitted, provided that no filling is done and that any private wildlife habitat area is used exclusively for that purpose. Ditching, excavating, dredging, and dike and dam construction shall be allowed in wildlife refuges, game preserves and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

- C. Public utility transmission and distribution lines. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, are permitted in a Shoreland-Wetland District by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

**§ 720-27. Amendments, variances, appeals and special exceptions in Shoreland Overlay District.**

- A. For all proposed amendments, variances, appeals and special exceptions to the Shoreland Overlay District, the appropriate area office of the Department of Natural Resources shall be provided with the following:
- (1) A copy of each petition for a text or map amendment to the Shoreland Overlay District within five days of the filing of such petition with the City Clerk;
  - (2) Written notice of the public hearing to be held on a proposed amendment, variance, appeal or special exception at least 10 days prior to such hearing;
  - (3) A copy of the Community Development Department's findings and recommendations on each proposed amendment, variance, appeal or special exception within 10 days after the submission of those findings and recommendations to the Board of Appeals and/or Plan Commission; and
  - (4) Written notice of the Board of Appeals' and/or City Council's decision on the proposed amendment, variance, appeal or special exception within 10 days after it is issued.
- B. A wetland, or a portion thereof, in the Shoreland Overlay District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
- (1) Stormwater and floodwater storage capacity;
  - (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
  - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  - (4) Shoreland protection against soil erosion;
  - (5) Fish spawning, breeding, nursery or feeding grounds;
  - (6) Wildlife habitat; or

- (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- C. If the Department of Natural Resources notifies the Community Development Department that a proposed amendment to the Shoreland Overlay District may have a significant adverse impact upon any of the criteria listed above, that amendment, if approved by the City Council, shall contain the following provision: "This amendment shall not take effect until more than 30 days have elapsed after written notice of the City Council's approval of this amendment is mailed to the Department of Natural Resources. During that thirty-day period the Department of Natural Resources may notify the City Council that it will adopt a superseding shoreland ordinance for the City under § 62.231(6), Wis. Stats. If the Department does so notify the City Council, the effect of this amendment shall be stayed until the adoption procedure under § 62.231(6) is completed or otherwise terminated."

## ARTICLE VI Residential Districts

### § 720-28. Intent.

- A. General. The general intent of this article is to set forth land uses or activities which are permitted in residential areas in the City of Fond du Lac, to specify the zoning district in which each use or activity will be permitted, with or without special conditions, or after a special use permit has been granted, and to establish density and bulk regulations within each district.
- B. R-1 Single-Family Residential District. The intent of the R-1 Residential District is to set forth those land uses and activities which are permitted in areas where one-family housing development at a relatively low or moderate density is the desired predominant land use.
- C. R-2 Single-Family and Two-Family Residential District. The intent of the R-2 Residential District is to set forth those land uses and activities which are permitted in areas which can provide a transition between one-family and multiple-family residential districts and where one-family and two-family development at moderate density is the desired predominant land use.
- D. R-3 Central Area Residential District. The intent of the R-3 Residential District is to set forth those land uses and activities which are permitted in older, central areas of the City that have been developed with a variety of residential land uses. Generally these areas have smaller lots, and one-family and two-family homes are the predominate and most desirable land uses.
- E. R-4 Multifamily Residential District. The intent of the R-4 Residential District is to set forth those land uses and activities which are permitted in areas where a moderate to high concentration of residential dwellings, including multiple-family housing development, is the desired predominant land use.

**§ 720-29. Schedule of regulations.**

Restrictions and controls for land uses or activities permitted in residence districts, or land uses or activities having special conditions attached to them, or requiring a special use permit, are set forth in Schedule II. Regulations for lot size, yards and similar bulk requirements are set forth in Schedule III. Both said schedules are hereby adopted and made part of this chapter.<sup>3</sup>

**§ 720-30. Excluded uses or activities.**

A land use or activity not set forth in Schedule II is not permitted in residential districts in the City of Fond du Lac, except that uses and activities which are similar to those which are permitted in a district may be permitted by special use permit.

**§ 720-31. Special conditions for certain land uses or activities.**

Land uses or activities listed in Schedule II as being "Permitted with Special Conditions" shall not be considered permitted until applicable conditions, as set forth in this Chapter have been complied with or a variance has been granted.

**§ 720-32. Residential development in R-3 and R-4 Districts.**

In addition to the standards for site plan approval described in § 720-12, the following standards for project approval shall apply. These standards are applicable for all multifamily development and for the grouping of two or more two-family dwelling units on a single lot.

- A. When a lot in an R-3 or R-4 District abuts property in an R-1 District, a landscape buffer strip at least 10 feet wide shall be established along the length of the adjacent R-1 lot line where the adjacent R-1 land is developed or planned for single-family use. A buffer strip is not required when the adjacent R-1 District property is occupied by existing public, institutional or other nonresidential uses.
- B. No multifamily structure closer than 200 feet to a R-1 District shall be more than two stories or 35 feet in height where the adjacent R-1 land is developed or planned for single-family use. The height limitation is not applicable when the adjacent R-1 District property is occupied by existing public, institutional or other nonresidential uses.
- C. Density reductions for multifamily dwellings closer than 200 feet to an R-1 District shall not apply when the R-1 property is occupied by existing public, institutional or other nonresidential uses.
- D. The front facade of a building shall be oriented to face a public street, except in the case of a through lot. Where the site development of multifamily residences or condominium homes orients the rear or side building facade to abut a public street, such facades shall be enhanced with architectural elements and/or landscaping.

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3. Editor's Note: The schedules are included as attachments to this chapter.



E. Spacing between structures.

- (1) The following minimum separations between exterior walls shall be provided, measured at the closest point between structures:

- (a) Front/rear wall facing front/rear wall: 60 feet.
- (b) End wall facing end wall: 30 feet.
- (c) End wall facing front/rear wall: 45 feet.

- (2) The minimum separations may be modified by the Community Development Department when site plan review determines that building design, site layout, landscaping treatment or unusual site conditions warrant such modification.

F. Outdoor trash/recycling receptacles shall be confined within an enclosed area located not less than five feet from any side or rear property line. No trash enclosure shall be located within a front yard area. Wall height of the enclosure shall be not less than six feet. The building materials of such enclosure shall match the materials of the principal residential building(s).

G. Fences and walls. Fences and walls should be designed to compliment the style, materials and color of dwelling units. Acceptable materials include wood, wrought iron, stone or brick. The use of chain link and similar materials is strictly prohibited.

H. Accessory buildings. In addition to allowable garage and carport structures, clubhouse, recreation building, pool house or gazebo structures shall be permitted for the common use of the property residents and guests. The design and construction materials of an accessory building shall compliment the principal residential building(s). Building size shall not exceed the ground area of the principal residential structure; building siting shall comply with setback requirements of the principal residential structures.

I. Outdoor storage. The open storage or long-term parking of boats, trailers, fishing shanties, snowmobiles, recreational vehicles, and other similar vehicles shall be prohibited.

J. Landscaping. Existing natural site topography and mature plantings should be considered in developing a landscape plan. A suitable planting scheme will provide a mix of deciduous and coniferous trees and shrubbery, lawn, ground cover and seasonal flowers and include foundation plantings, groupings of plants at the entryways to the property, open parking screening, and front yard setback areas along a public right-of-way and along interior lot lines to provide a transition to adjoining properties.

**§ 720-33. Single-family condominium dwellings in R-1 District.**

In addition to the standards for site plan approval described in § 720-12, the following standards for project approval shall apply:

- A. Minimum lot area per dwelling unit: 10,000 square feet.
- B. Setback and building separation requirements:

- (1) Front yard setback, the area between the front of a building and the public right-of-way line and/or the area between the front of a building and a private roadway: minimum 30 feet.
  - (2) Interior yard setback, the area extending from the front yard to the rear yard between a building and the side lot line: minimum 18 feet.
  - (3) Rear yard setback, the area extending across the full width of the lot between a building and the rear lot line: minimum 20 feet.
  - (4) Spacing between structures. The following minimum separations between exterior walls shall be maintained, measured at the closest point between structures:
    - (a) Front/rear wall facing front/rear wall: 40 feet.
    - (b) End wall facing end wall: 20 feet.
    - (c) End wall facing front/rear wall: 35 feet.
- C. On-site parking. Two spaces for each dwelling unit, and at least one visitor/guest parking space for each dwelling unit, shall be provided. No parking shall be permitted in any yard between the buildings and the street except within the driveway.
- D. Driveways.
- (1) Common driveway: the paved area of private roadway to serve the condominium development. Driveways shall be no wider than 24 feet at the public right-of-way line within the required front yard area, with a maximum width elsewhere of 20 feet. The twenty-foot width may be increased where the Fire Department determines a modification is necessary for public safety. Parking shall be prohibited along all common driveways.
  - (2) Individual driveway: the paved area extending from the common driveway to each dwelling unit. The maximum width may correspond to the garage width, not to exceed the width of such garage, for a linear distance of 30 feet whereupon the driveway shall taper to a width of 20 feet at the point of intersection with the common driveway.
- E. Sidewalks. Sidewalk shall be installed along all property boundaries which abut a public street. Sidewalk construction shall comply with City standards.
- F. Lighting. Freestanding ornamental lights not to exceed 12 feet in height shall be provided to illuminate and delineate private roadways and internal pedestrian walkways. Lighting shall be confined to the property and shall not produce glare or wash onto adjacent properties or public rights-of-way.
- G. Fencing. Fences and walls shall be designed to complement the style, materials and color of dwelling units. Acceptable materials include wood, wrought iron, stone or brick. The use of chain link and similar materials is strictly prohibited.
- H. Buffer between land uses. A landscape buffer strip at least 10 feet wide shall be established and maintained along all property boundaries that abut areas of R-1 zoning

planned or developed for traditional single-family residential uses. Such buffer strip is not applicable when the adjacent R-1 property is occupied by existing public, institutional or other nonresidential uses.

- I. Landscaping. Existing natural site topography and mature plantings should be considered in developing a landscape plan. A suitable planting scheme will provide a mix of deciduous and coniferous trees and shrubbery, lawn, ground cover and seasonal flowers. Required components of the landscape plan shall include foundation plantings, groupings of plantings at the entryways to the property, open parking screening, and front yard setback areas along a public right-of-way and along interior lot lines to provide a transition to adjoining properties.
- J. Accessory buildings.
  - (1) One storage building for the condominium development shall be permitted, not to exceed 400 square feet in area, for property maintenance vehicles and equipment. The design and construction materials of such building shall complement the residential buildings; metal buildings are not permitted. Building location shall comply with setback requirements of the principal residential structures, except that a storage building may not be located within any required front yard setback or front yard area.
  - (2) Clubhouse, recreation building, pool house or gazebo structures shall be permitted for the common use of the condominium residents and their guests. The design and construction materials of such structures shall complement the residential buildings. Building size is not restricted; location shall comply with setback requirements of the principal residential structures.
- K. Outdoor storage. The open storage or long-term parking of boats, trailers, fishing shanties, snowmobiles, recreational vehicles, and other similar vehicles shall be prohibited.
- L. Site design and architectural techniques. There is no particular architectural style required for condominium dwellings, but the focus should be on the development of a high-quality residential environment. Site and building designs must consider compatibility with the surrounding area, particularly adjacent traditional single-family subdivisions. Site design requirements shall include the following:
  - (1) The front facade of a building shall be oriented to face a public street where practical except in the case of a through lot. Where the front facade does not face a public street, the front yard area shall be provided with landscaping and other suitable materials to buffer the use from the public right-of-way.
  - (2) Utilize reverse building plans and vary building placement to add variety of building orientations and to avoid the monotony of garage door corridors.

**§ 720-34. Christmas tree sales.**

The temporary seasonal sale of Christmas trees and Christmas greenery is permitted in residential districts for the period November 1 through December 31, upon issuance of a permit from the Building Inspector, provided that:

- A. Convenient parking shall be available for customer use. Parking and loading activities shall not interfere with traffic movements within the public right-of-way or in any way create a negative impact on the surrounding neighborhood.
- B. Hours of operation shall not continue past 9:00 p.m.
- C. Lighting shall be confined on site and shall not be directed to beam onto the properties of neighboring residences or onto a public right-of-way to create a nuisance or traffic hazard.
- D. Outdoor amplified music/sound shall be prohibited.
- E. One sign to identify the sales lot is permitted not to exceed 32 square feet in area. Such sign shall be situated on the premises and shall not be posted off site or within the public right-of-way. Signage shall not be attached to traffic signs, directional signs or utility poles or be situated to obstruct or impair vision or traffic in any way.

**§ 720-35. Mobile homes.**

Mobile homes are permitted only in a mobile home park approved by City Council except as may be specified in § 720-14A of this chapter. See also § 720-65.

**§ 720-36. Conversion of existing dwellings into additional dwelling units.**

Conversion of existing dwellings into additional dwelling units is permitted when the area of the lot is equal to the minimum lot area which would be required for construction of an equivalent number of new dwelling units in the district.

**§ 720-37. Home occupation.**

- A. A home occupation may be conducted within a residence located in a residential zoning district, provided that all of the following conditions are met:
  - (1) The home occupation is conducted within a one-family dwelling. The home occupation may be conducted within a two-family or multifamily dwelling if no customer/client traffic is generated.
  - (2) The use of an existing garage for a home occupation may be permitted if the property has existing on-site parking in accordance with this chapter. Refer to Schedule IX.<sup>4</sup> Total floor space utilized by the home occupation within the garage

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4. Editor's Note: Schedule IX is included as an attachment to this chapter.

shall be not more than 50%. The use of an accessory building, such as a shed, utility building, gazebo, etc., for a home occupation shall be prohibited.

- (3) Total floor space utilized by the home occupation shall be not more than one room or 25% of the gross floor area of the dwelling, whichever is less.
  - (4) The home occupation is conducted by the person(s) who resides in the dwelling.
  - (5) One sign to identify the name of the home occupation is permitted. Maximum sign area shall not exceed two square feet. Lighting is not permitted.
  - (6) There shall be no exterior evidence of the conduct of a home occupation, including outside storage, or the visible display of merchandise for sale or for services available.
  - (7) No alterations to the dwelling are necessary for the purpose of supporting the home occupation, such as a second kitchen, special equipment or additional furnishings that are not typical for residential use, or additional plumbing, cooling/heating, etc. The appearance of the dwelling or garage shall not be altered in a manner that causes the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or signs or the emission of sounds, noises, or vibrations.
  - (8) No exterior entryways separate from entryways to serve the dwelling shall be created and/or provided solely for the conduct of the home occupation.
  - (9) The occupation or activity shall not generate pedestrian or vehicular traffic beyond that common to a one-family dwelling. Parking to serve a home occupation shall be provided on site within an existing driveway. The alteration of an existing driveway or the construction of uncovered parking to serve a home occupation shall be prohibited.
  - (10) The occupation or activity does not produce offensive noise, smoke, dust, odor, heat, glare or electronic disturbance beyond the property it occupies.
  - (11) There shall be no use of materials or mechanical equipment not recognized as being part of normal household or hobby uses.
  - (12) Dispatching of persons or equipment from the property shall be prohibited.
  - (13) There shall be no commodities sold or services rendered that require receipt and delivery of merchandise, goods or equipment by other than passenger motor vehicle or by United States Mail Service. The delivery of goods not more than twice weekly via UPS, FedEx and similar delivery services that utilize vehicles not exceeding 2 1/2 tons in capacity shall be permitted.
- B. The following home occupations or businesses, as well as similar businesses and services, shall be prohibited:

- (1) Retail sales or rental shop.
  - (2) Personal services, such as a beauty shop, barbershop, tanning salon, nails, massage, and similar uses.
  - (3) Automotive repair, small engine repair, paint and body shop.
  - (4) Automotive sales, exclusive of the sale of the resident's personal vehicle(s).
  - (5) Animal grooming, boarding and care.
  - (6) Professional health care office/clinic.
  - (7) Limousine, taxi and/or bus service.
  - (8) Automotive towing and/or wrecking service.
- C. Permit required. The use of a residence for home occupation purposes as set forth in this section shall require a permit from the Community Development Department.
- (1) Application for a home occupation permit shall be made to the Community Development Department. The Community Development Department may void any home occupation permit for noncompliance with the criteria set forth in this section.
  - (2) The Community Development Department shall grant, conditionally grant or deny a permit for a home occupation within 10 business days. The permittee may appeal the denial of a permit to the Board of Appeals within 30 days of the date of the denial.
  - (3) Persons with disabilities recognized under the Americans with Disabilities Act and related state laws may be accommodated by special exception of the Board of Appeals. The applicant may request waiving of one or more, or a portion thereof, of the requirements of this section. The special request may be granted by the Board of Appeals after a public hearing and notification of property owners within 300 feet of the subject property. In reviewing the request, the Board of Appeals may grant a waiver if the applicant's physical disability prevents the applicant from conducting a home occupation within the requirements of this section and granting such a waiver is not unduly burdensome on the City, the neighborhood, or its residents.
  - (4) Approval of a home occupation permit shall be specific to the permittee and shall remain valid for the duration of the permittee's occupancy in the affected residence.

**§ 720-38. Traditional neighborhood development (TND).**

- A. Statutory authorization. This section is adopted pursuant to the authority contained in §§ 62.23 and 66.1027, Wis. Stats., and as authorized and required by 1999 smart growth legislation.

- B. Applicability. This section is a set of standards for new development of 15 acres or more contiguous to existing development, or for infill or redevelopment of five acres or more.
- C. Plan submittal requirements and approval process. An implementation plan shall be prepared to establish the intent, density and intensity for a TND. The implementation plan shall be submitted to the Community Development Department for review and comment by the Site Plan Committee and forwarded with comments to the Plan Commission. The Plan Commission shall approve, conditionally approve or deny the implementation plan. Any party who is aggrieved or affected by the decision of the Plan Commission may appeal the action to the City Council within 30 days of the date of the Plan Commission's decision. The implementation plan shall include the following:
- (1) A written report that describes site conditions and development objectives and provides general information about the covenants, conservation easements, or agreements which will influence the use and maintenance of the proposed development.
  - (2) A general location map of suitable scale that shows the location of the property within the community and adjacent parcels, including public streets, railroads, major streams or rivers and other major features within 1,000 feet of the site.
  - (3) A site inventory and analysis to identify site assets or resources and constraints, including, but not limited to, floodplains, wetlands, utility easements for high-tension electrical transmission lines, steep slopes greater than 15% and brownfields.
  - (4) A conceptual development plan to include building footprints, location of streets, drives and parking areas, pedestrian and bicycle paths, proposed and existing landscape features and open space areas.
  - (5) A conceptual stormwater management plan identifying the proposed pattern of stormwater runoff, locations of stormwater infiltration areas and other significant stormwater management practices.
  - (6) Identification of the architectural style of the TND shall be conveyed with drawings of proposed building elevations, including dimensions of building height and width, and facade treatment.
  - (7) Any other information deemed necessary by the City of Fond du Lac in order to evaluate plans.
- D. Amendments to the implementation plan. Minor changes to an approved implementation plan may be authorized by the Community Development Department, provided that the changes do not involve:
- (1) Increases or decreases of more than 10% in floor area of structures or number of dwelling units.
  - (2) Change of exterior building material.
  - (3) Alteration of any conditions imposed by the Plan Commission.

- E. Subdivision of land. Where a TND involves a division of land, the required documents shall be reviewed and approved in accordance with the requirements of Chapter 705, Subdivision of Land, of this Code and Ch. 236, Wis. Stats. If there is a conflict between the design standards of Chapter 705 and the design guidelines for a TND, the provisions of this section shall apply.
- F. Traditional neighborhood development design standards. A TND should consist of residential uses, a mixed use area, and open space uses.
- (1) Residential. A mix of residential uses to include one-family detached dwellings, one-family attached dwellings, multifamily dwellings, secondary dwelling units, and special needs housing, such as community living arrangements and assisted living facilities. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the TND.
  - (2) Mixed use. A mixed use area of commercial, residential, civic or institutional and open spaces uses. All residents should be within approximately 1/4 mile from existing or proposed commercial, civic and open space areas.
    - (a) Commercial uses. Refer to allowable business uses permitted in the C-1 and C-2 Districts as specified in Schedule IV. Individual business should not exceed 6,000 square feet in size. The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed 25% of the TND.
    - (b) Residential uses. One-family attached dwellings, multifamily dwellings, dwelling units located on upper floors above commercial uses or to the rear of storefronts, live/work units that combine a residence and the resident's workplace, and special needs housing such as community living arrangements and assisted living facilities.
    - (c) Civic or institutional uses.
    - (d) Open space uses.
- G. Development units. The number of residential dwelling units shall be determined as follows:
- (1) In areas devoted to mixed residential uses:
    - (a) The number of single-family attached and detached units permitted shall be five to eight dwelling units per net acre.
    - (b) The number of multifamily units shall be 15 to 40 dwelling units per net acre.
    - (c) Secondary dwelling units shall be permitted in addition to the allowable number of dwelling units per net acre, except that the number of secondary dwelling units shall not be more than 10% of the total number of single-family attached and detached units.



- (d) For each affordable housing unit provided, one additional dwelling unit shall be permitted, up to a maximum 15% increase in dwelling units.
- (2) In mixed use areas:
  - (a) The number of single-family attached and detached units permitted shall be five to eight dwelling units per net acre and the number of multifamily units shall be 15 to 40 dwelling units per net acre. An additional 10% of the permitted total of units is allowed.
  - (b) Dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section, except that the total number of such units shall not be increased by more than 10% of the allowable total.
- H. Open space. At least 20% of the gross acreage of the TND must be open space. Open space may include undevelopable areas, such as steep slopes and wetlands, and stormwater detention/retention basins. Public open space shall be provided in accord with the requirements of Chapter 705, Subdivision of Land, the Comprehensive Plan and the Official Map.
- I. Stormwater management. The design and development of a TND should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to groundwater and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable.
- J. Lot standards and setback requirements.
  - (1) Lot size. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs. The minimum lot size for single-family and two-family homes is 5,000 square feet. The minimum lot size for multifamily development is 2,250 square feet of lot area for each dwelling unit.
  - (2) Building setbacks.
    - (a) Mixed use area. Structures in the mixed use area require no minimum front or side yard setback, and commercial and civic or institutional buildings should abut the public sidewalk. Where commercial, civic or institution buildings abut properties planned for residential use, a setback of 20 feet shall be provided.
    - (b) Mixed residential uses. Single-family detached residences shall provide a front yard building setback between zero and 25 feet. Single-family attached residences and multifamily residences shall provide a front yard building setback between zero and 15 feet.
    - (c) The minimum side yard setback for all dwellings shall be not less than five feet. A zero side yard setback for one-family dwellings shall be allowed, provided that a reciprocal access easement is recorded for each lot and townhouse or other attached dwellings, and provided that all dwellings have

pedestrian access to the rear yard through means other than the principal structure.

- (d) The minimum rear yard setback for all dwellings shall be not less than 20 feet.

- K. Circulation. The circulation system shall allow for different modes of transportation. The circulation system shall provide adequate traffic capacity, connected pedestrian and bicycle routes on streets and/or on dedicated paths, control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility. Where feasible, existing pedestrian and bicycle routes through the site shall be preserved and enhanced. Traffic calming features, such as queuing streets, curb extensions, traffic circles and medians, may be used to encourage slow traffic speeds. The TND should maintain the existing street grid, where present, and restore any disrupted street grid where feasible.
- L. Parking requirements. Parking areas for shared use should be encouraged. In addition:
- (1) In the mixed use area parking lots shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in Subsection N.
  - (2) In the mixed use area a commercial use shall provide one parking space for every 500 square feet of gross building area.
  - (3) Parking lots or garages shall provide not less than one bicycle parking space for every 10 motor vehicle parking spaces.
  - (4) Parking requirements for residential uses shall be met pursuant to Schedule IX.<sup>5</sup>
- M. Architectural standards. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
- (1) New structures shall be no more than three stories for single-family residential or five stories for commercial, multifamily residential or mixed use.
  - (2) The architectural features, materials and the articulation of a facade of a building shall be continued on all sides visible from a public street.
  - (3) The front facade of the principal building on any lot shall face onto a public street.
  - (4) Porches, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
  - (5) For commercial buildings a minimum of 50% of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
  - (6) Garages and secondary dwelling units. A detached garage and/or a secondary dwelling unit may be provided on a single-family detached residential lot in

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5. Editor's Note: Schedule IX is included as an attachment to this chapter.

addition to an accessory building, provided that the garage and/or second dwelling unit does not exceed 750 square feet.

- (7) Exterior signage. A comprehensive sign program is required for the entire TND to establish a uniform sign theme. Signs shall share a common style (e.g., size, shape, material).
  - (8) Guidelines for lighting. Streetlights shall be provided along all streets. Generally, more, smaller lights, as opposed to fewer, high-intensity lights, should be used.
- N. Landscaping, screening and parking design standards. Refer to § 720-79C (Area and access), E (Driveways) and F (Design and maintenance). Overall composition and location of landscaping shall complement the scale of the development and its surroundings.
- (1) Parking area landscaping and screening. All parking and loading areas fronting public streets or sidewalks and all parking and loading areas abutting residential districts or uses shall provide a landscaped area at least five feet wide along the public street or sidewalk. One tree for each 25 linear feet of parking lot frontage is required.
  - (2) Required screening shall be at least three feet in height and it shall be at least 50% opaque throughout the year.
  - (3) Maintenance and replacement of landscape materials shall be the responsibility of the property owner.

## ARTICLE VII Business Districts

### **§ 720-39. Intent.**

The general intent of this article is to set forth land uses or activities which are permitted in business and commercial areas in the City of Fond du Lac, to specify the zoning district in which each use or activity will be permitted, with or without special conditions, or after a special permit has been granted, and to establish bulk regulations for lots within each district.

### **§ 720-40. C-1 Central Business District.**

The intent of this district is to set forth those land uses and activities which are permitted to provide a wide range of shopping, personal service, entertainment and cultural facilities of City-wide and regional significance, located primarily within the core of Fond du Lac's downtown area.

### **§ 720-41. C-2 General Business District.**

The intent of this district is to set forth those land uses and activities which are permitted to provide for a variety of business and service needs of the City and surrounding region.

**§ 720-42. Downtown Design Overlay District.**

The intent of this district is to establish design standards to foster a strong viable downtown as a commercial, civic, residential and cultural center. The Downtown Design Overlay District affects properties in the C-1 District plus property located in the South Main Historic District, the boundaries of which may be amended from time to time. The district is designed to forward aesthetic and economic objectives of the City by controlling the site design and appearance of development consistent with urban design and economic revitalization principles; implement the recommendations of the Comprehensive Plan and the Downtown Fond du Lac Partnership Design Guidelines to preserve and restore unique and historic buildings; ensure the coordinated design of new buildings and changes to existing buildings; minimize adverse impacts on adjacent properties from buildings that may detract from the character and appearance of the district; and aid in improving the overall economic viability of the district.

- A. Applicability. The standards of the district shall apply to new construction and to the restoration, replacement, expansion or modification of any property (such as painting, roofing, siding, signage, and architectural component substitution). Alteration of an existing building not visible from a public street or alley and/or the interior remodeling of an existing structure shall not cause the exterior of the building to be subject to the architectural design standards. All other projects are subject to the following:
- (1) Certain minor actions may be approved by the Community Development Department, such as the addition or replacement of windows or doors complementary to the color and architectural style of the building, and the addition or replacement of awnings and canopies. The Community Development Department may authorize renovation of the exterior appearance of a building to include repainting, reroofing, re-siding or replacing with identical colors and materials previously approved by the Downtown Architectural Review Board, or colors and materials similar and/or complementary to the existing structure. In the event of accidental damage or destruction, the Community Development Department may authorize the replacement or reconstruction of a building, structure, sign or awning previously approved by the Downtown Architectural Review Board.
  - (2) Community Development Department staff shall determine if a structure and/or site is of historic significance by examining the list of City-designated sites and districts, and if so, whether requirements of Chapter 374, Historic Preservation, apply. Where a property is a City-designated historic site or structure, the Historic Preservation Commission shall review exterior alterations, additions and signage and, if compatible, approve such proposed changes; review by the Downtown Architectural Board is not required.
- B. Procedure. An application for project approval shall be submitted to the Community Development Department for review by the Downtown Architectural Review Board. The Building Inspector shall not issue a permit for the modification, expansion or addition to an existing building, for the construction of any new structure, or for the replacement or installation of new signage prior to approval by the Downtown Architectural Review Board. Where an applicant wishes to contest a decision of the Downtown Architectural

Review Board, the applicant may submit a written appeal to the Board of Appeals. The Board of Appeals shall consider the regulations of this chapter, the Downtown Fond du Lac Partnership Design Guidelines, and the particular circumstances of a proposed project as it relates to the property and surrounding area, to affirm, modify or deny an appeal of a decision of the Downtown Architectural Review Board.

C. Project review submittal requirements.

- (1) Minor alterations/repair of existing buildings. Minor alterations/repair of existing buildings include painting, roofing, siding, architectural component substitution and signage. Provide:
  - (a) A clear depiction of the existing appearance of the property. Color photographs are recommended, including adjoining and nearby properties.
  - (b) A clear depiction of the proposed appearance of the property. Paint charts and/or color photographs of replacement architectural components are recommended.
- (2) New construction and major alterations/additions to existing buildings. Major alterations to a property include modification of the physical configuration of a building, structural changes, demolition and the removal of bulk. Provide:
  - (a) A clear depiction of the existing appearance of the property. Color photographs are recommended, including adjoining and nearby properties.
  - (b) Site plan to depict the existing building(s), proposed building addition(s) and/or new building(s).
  - (c) Front and side building elevations drawn to scale.
  - (d) Material samples and/or photographs of siding, brick type, roof shingles, paint chips, doors and windows, ornamentation and other exterior materials.
  - (e) Details of exterior lighting.

D. Architectural review standards. To provide criteria for implementation of the Downtown Design Overlay District, the following architectural review principles apply:

- (1) Context refers to how a structure fits with the surrounding area. New design elements should be compatible with nearby development. A building addition should match or complement the existing structure.
- (2) Scale is the relative size and mass of structures compared to one another. A small building should not be constructed adjacent to large buildings unless provisions are made to minimize the difference in scale. The visual continuity of roofs and contributing elements (parapet walls, cornices, etc.) should be maintained in building development or redevelopment.
- (3) Balance and proportion is the relationship of one part of a building to another with the inclination that each part is in harmony with other parts. Building facades, including details, should contain a proportion of height and width. The vertical

pattern of exterior building elements should be compatible in design and elevation of existing buildings in the immediate area which conform to the general design theme of Downtown Fond du Lac. The horizontal pattern of exterior building elements formed by patterns of windows and doors should be spaced at regular intervals across all visible facades of the building, and should be compatible with existing buildings in the immediate area which conform to the general design theme of Downtown Fond du Lac.

- (4) Unity and theme pertains to a consistent style and purpose, especially applicable to a multiple building development. Good unity can be accomplished with the use of the same materials throughout a development. An accessory structure should be compatible with the principal structure in terms of character, roof shape, building material, color and architectural detail.
- (5) Color and material elements apply to a building exterior that is generally visible to a public street and/or alley.
  - (a) Building color should be nonreflective and relate to existing neighborhood patterns. High-intensity, fluorescent, day glow and/or neon and metallic colors are discouraged; where such colors constitute a component of a standardized corporate theme or identity, muted versions colors should be used.
  - (b) Primary exterior building materials should be similar and/or complementary to existing structures within the immediate area and the downtown area as a whole. Building materials should consider the facades of the structure and an adjoining structure to provide a suitable transition between facades. Where a side and/or rear elevation is not exposed to view from a public street, a combination of primary and secondary materials may be used.
    - [1] Acceptable materials include glass, brick, ceramic tile, terra cotta, cultured stone, cut stone, carved stone, stucco, EIFS, wood, and decorative concrete block. Stone or brick facing shall be of relatively even coloration and consistent size. The use of nondecorative exposed concrete block, pre-engineered metal building systems, and sheet metal is discouraged. The use of plywood or oriented strand board (OSB) or similar materials is prohibited. Metal roofs, decorative metal and metal accent components may be considered. Other building materials may be considered when appropriate to a property and the downtown as a whole.
    - [2] The traditional storefront design theme, characterized by strong horizontal and vertical rhythms formed by building openings, columns, cornices, kick plates, sign bands, large display windows and transom windows, shall be employed for all new nonresidential buildings.
    - [3] Building facades should not be cluttered with brackets, wiring, meter boxes, antennas, gutters, downspouts and other appurtenances. Appurtenances shall be colored to blend with the building exterior.

Ornamentation that is inconsistent with the general design theme of the downtown area is prohibited.

- [4] Clear or slightly tinted glass should be used. Mirror glass, smoked glass or heavily tinted glass is not permitted.
- [5] When facade changes are made, hidden architectural elements and original materials should be restored or replaced, when practical, to match the architecture of the building.
- (6) Windows and doors should be similar in size, proportion and alignment based on the architectural style of the building. Original door and window openings and accenting features shall be maintained where practical. First floor windows are required and shall establish visibility and transparency along the street. Replacement windows and doors should, where possible, fit into the original opening, minimizing the amount of blocking and/or filler panels. Replacements should match the existing/original in size, shape and arrangement of panes.
- (7) Awnings and canopies shall be the same type and style for a single building or property and utilize the same mounting characteristics. Awnings on a single building shall have a consistent horizontal alignment across the front of the entire building, unless the slope of the pedestrian walk or ground requires a horizontal stagger. Awning/canopy size, color and placement should complement the architectural character of the building. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installations shall be used. Internal illumination/backlighting are discouraged.
- (8) Signage. Refer to §§ 720-83 and 720-84.
- (9) Metering and mechanicals are elements of utility service and mechanical heating, cooling and ventilation systems that are foreign to the architecture (transformers, gas and electric meters, rooftop units, etc.). Utility service boxes, cables, conduits, vents, turbines, flues, chillers and fans, telecommunication devices, and trash/recycling storage receptacles shall be screened from public view by incorporating the following design standards:
  - (a) Locate mechanical equipment and service areas at the rear of the building along an alley facade or on the building rooftop;
  - (b) Screen mechanical equipment and service areas using architectural screen walls, screening devices and/or landscaping; and
  - (c) Mechanical equipment located on a building rooftop shall be set back from the building edge a sufficient distance to screen the equipment from view of adjacent streets.

#### **§ 720-43. Schedule of regulations.**

Restrictions and controls for land uses or activities permitted in business districts, or land uses or activities having special conditions attached to them, or requiring a special permit, are set

forth in Schedule IV. Regulations for lot size, yards and similar bulk requirements are set forth in Schedule V. Both said schedules are hereby adopted and made part of this chapter.<sup>6</sup>

**§ 720-44. Excluded uses or activities.**

A land use or activity not set forth in Schedule IV is not permitted in business districts in the City of Fond du Lac, except that uses and activities which are similar to those which are permitted in a district may be permitted by special use permit.

**§ 720-45. Special conditions for certain land uses or activities.**

Land uses or activities listed in Schedule IV as being "permitted with special conditions" shall not be considered permitted, until applicable conditions, as set forth in this Chapter, have been complied with or a variance has been granted.

**§ 720-46. Building design standards.**

The architectural design of a building in a business district shall not utilize a pre-engineering metal building system except where authorized by special use permit.

**§ 720-47. Enclosure of operation.**

All business, servicing or processing activities shall be conducted within completely enclosed buildings except for the following:

- A. Outdoor display or sales activity which is normally associated with the operation of a permitted use or for which a special use permit has been issued.
- B. Outdoor recreational use or drive-in associated with a permitted use or for which a special use permit has been issued.
- C. Outdoor storage. Outdoor storage areas shall be maintained in a neat and orderly manner and effectively screened by opaque fencing not less than six feet in height. Storage areas shall not be located in a required front yard setback area or be located between the building line (extended) and the adjacent street. No storage area shall be located in or across any utility or drainage easements.
- D. Trash and recycling containers, including dumpsters, shall be confined within an enclosed area located not less than five feet from a side or rear lot line. No enclosure shall be located within the front yard area of a lot. Wall height shall be not less than six feet in height. Enclosure materials shall match or complement the building facade and provide an opaque visual screen.

**§ 720-48. Adult-oriented establishment.**

- A. An adult-oriented establishment shall be allowed only where specifically permitted by the applicable zoning district of a property.

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6. Editor's Note: Said schedules are included as attachments to this chapter.



- B. No person, partnership, corporation or other entity shall own, operate, manage, rent, lease, occupy or exercise control of any building, structure, premises, or portion or part thereof for an adult-oriented establishment within 500 feet of any other adult-oriented establishment, child-care facility, school (whether preschool, elementary, middle, high school or college, whether public or private), park or playground, recreation facility, church or chapel, library, or residentially zoned property.
- C. Determination of distance.
  - (1) For the purpose of determining the distance between an adult-oriented establishment and any use set forth in Subsection B above, the measurement shall be from the nearest lot line, that is the legal boundaries of a parcel of property, of the parcel upon which the use is located and then along the nearest public street or streets to the nearest lot line of the use being measured.
  - (2) In the circumstance of a shopping center, for the purpose of determining the distance between an adult-oriented establishment and any use set forth in Subsection B above, the measurement shall be from the nearest building wall of the commercial building space of the parcel upon which the use is located to the nearest building wall of the principal use being measured.
- D. Prior to the issuance of any City permit, a determination of compliance with this section shall be made by the Community Development Department.

**§ 720-49. Amplified music; mechanically or electronically produced sound, indoor.**

A land use that utilizes amplified music or mechanically or electronically produced sound as a regular part of business operations where such use is not located adjacent to a building that includes one or more residential living units (including apartments, hotel, bed-and-breakfast inn or similar residential-type use) is permitted, subject to the following requirements:

- A. Land uses regulated by this section shall include taverns, restaurants, arcades and teen clubs, nightclubs (alcohol or nonalcohol), and similar uses on property located in the C-1 District.
- B. This section shall apply to the new use of a building or property for a sound-generating use and/or expansion of an existing use.
- C. Special events that occur two or fewer times in a calendar year (i.e., grand opening, business anniversary, community/charitable fund-raising, etc.) are exempt from this section.
- D. Exterior doors, and interior doors that open into a common hallway, shall not be propped open and shall remain closed except for normal exit/entry of persons.
- E. Sound shall be muffled or controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness. No activity shall emit vibration that is discernible without instruments at or beyond the property line of the premises. The installation of physical barriers to prevent amplified sound and vibration intrusion to nearby residential properties may be required.

**§ 720-50. Dwelling units.**

Off-street parking spaces required in Article X shall be provided. If any or all of the required parking cannot be provided on the same lot, the owner of the dwelling units may lease parking to satisfy the requirements of this section. Leased parking shall be secured within a convenient distance from the dwelling unit, to be approved by the Community Development Department prior to the issuance of a building permit and/or occupancy. It shall be the responsibility of the owner of the dwelling units to provide such leased parking space(s) on a continuing basis. Failure to maintain the required number of parking spaces will necessitate the vacation of all/any living units for which no parking is provided.

**ARTICLE VIII****Commercial-Recreation, Office and Industrial Districts****§ 720-51. Intent.**

The general intent of this article is to set forth land uses or activities which are permitted in commercial-recreation, office and industrial areas in the City of Fond du Lac, to specify the zoning district in which each use or activity will be permitted, with or without special conditions, or after a special permit has been granted, and to establish bulk regulations for lots within each district.

**§ 720-52. C-R Commercial-Recreation District.**

The intent of the C-R Commercial-Recreation District is to set forth those specialized land uses and activities which are permitted to provide for appropriate development of the recreation potential of land adjoining Lake Winnebago while protecting its value and amenity as a natural resource.

**§ 720-53. O Office District.**

The intent of the O Office District is to set forth those land uses and activities which are permitted to provide for the specialized business, office, educational, institutional and cultural needs of the City and surrounding region and which often have unique site and locational requirements.

**§ 720-54. M-1 Industrial District.**

The intent of the M-1 Industrial District is to set forth those land uses and activities which are permitted to provide for industrial and allied development within the framework of industrial growth goals of the City of Fond du Lac. It is further intended that regulations in the Industrial District be such as to prevent intrusion of structures and uses that are inimical to and not compatible with the use of land for desired industrial development. In addition, it is intended that performance standards be established to provide specific controls for governing tolerable levels of emission of noise, smoke, and particulate matter, odors and other potential nuisances and for providing adequate landscaped yards and other open areas in order to

maintain the desired environmental qualities within the Industrial District and the entire City and its environs.

**§ 720-55. M-BP Industrial – Business Park District.**

The M-BP District is established to reserve and develop industrial sites to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of manufacturing establishments, national or regional headquarters office facilities, research and development facilities, and medical facilities, all of an unobtrusive nonnuisance type. The intent is to allow the above use types to mix within the district in a planned park-like setting, provided that performance, site design and aesthetic standards are met.

**A. General requirements.**

- (1) All developments shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with other development within the district.
- (2) No aboveground utilities are permitted, except for temporary installations during construction, limited to a maximum of 12 months.
- (3) No use shall be conducted so as to cause offensive odors, smoke, fumes, dust, vibration, noise, pollution, fire or explosive hazard, or any nuisance of any kind.
- (4) All operations, except for off-street parking and loading, shall be conducted within completely enclosed buildings.
- (5) No outside storage is permitted.
- (6) No on-street parking or loading is permitted.

**B. Accessory uses.**

- (1) Day-care centers, restaurants, and similar personal service facilities, if accessory to a principal permitted or special use and if located in the same building as the principal use.

**C. Construction materials.** All buildings, principal and accessory, shall be constructed with exterior walls consisting entirely of masonry, brick, stone, glass or decorative concrete and may include architectural steel, iron, copper, or aluminum.

**D. Size of building.** No principal building shall be constructed which is less than 10,000 square feet of gross floor area in size. Buildings on lots abutting state or federal highways shall be a minimum of 40,000 square feet of gross floor area.

**E. Maximum lot coverage.** The maximum total lot coverage for principal and accessory buildings is 30%. The maximum total lot coverage for buildings, parking and loading areas shall be 70%. Remaining areas must be planted in grass and other landscape materials.

F. Development plan; aesthetic controls.

- (1) In addition to the requirements of § 720-12, the site development plan shall include architectural drawings and sketches illustrating the design and character of all proposed structures, including materials and colors, and elevation drawings of all sides of the building.
- (2) In addition to the standards for approval found in § 720-12, the following additional standards for approval shall apply:
  - (a) Fences. For the purpose of this section, fences shall be considered structures and are subject to the site plan review process. No fences greater than six feet in height shall be permitted. No chain link or wire fences shall be permitted. Fences shall be constructed of materials compatible with the landscape and with existing and proposed buildings and structures within the M-BP District.
  - (b) Lighting. No lighting structure shall exceed 18 feet in height. No flashing, blinking, moving, intermittent, festoon or string lighting shall be permitted. No lighting may be permitted which causes significant glare, wash or spillover onto adjoining streets, highways or properties. No unshielded lighting shall be permitted.
  - (c) Mechanical, utility and communication equipment. All roof-mounted and ground-mounted mechanical equipment must be screened from view. Telecommunications equipment, solar collectors and other ancillary equipment or structures must be placed as unobtrusively as possible and be screened from view and/or landscaped extensively where possible.

**§ 720-56. Schedule of regulations.**

Restrictions and controls for land uses or activities permitted in Commercial-Recreation, Office and Industrial Districts, or land uses or activities having special conditions attached to them, or requiring a special permit, are set forth in Schedule VI. Regulations for lot size, yards and similar bulk requirements are set forth in Schedule VII. Both said schedules are hereby adopted and made part of this chapter.<sup>7</sup>

**§ 720-57. Excluded uses or activities.**

A land use or activity not set forth in Schedule VI is not permitted in a Commercial-Recreation, Office or Industrial District in the City of Fond du Lac, except that uses and activities which are similar to those which are permitted in a district may be permitted by special use permit.

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7. Editor's Note: Said schedules are included as attachments to this chapter.

**§ 720-58. Special conditions for certain land uses or activities.**

Land uses or activities listed in Schedule VI as being "permitted with special conditions" shall not be considered permitted, and the Building Inspector shall not issue a zoning certificate for such uses or activities, until applicable conditions, as set forth below, have been complied with or a variance has been granted.

**§ 720-59. Enclosure of operation.**

All business, servicing, processing or storage shall be within completely enclosed buildings except for the following:

- A. Outdoor display or sales activity which is normally associated with the operation of a permitted use or for which a special use permit has been issued.
- B. Outdoor recreational use or drive-in associated with a permitted use or for which a special use permit has been issued.
- C. Outdoor storage. Outdoor storage areas shall be maintained in a neat and orderly manner and effectively screened by opaque fencing not less than six feet in height. Storage areas shall not be located in a required front yard setback area or be located between the building line (extended) and the adjacent street. No storage area shall be located in or across any utility or drainage easement.
- D. Trash and recycling containers, including dumpsters, shall be enclosed by a wall of solid materials not less than six feet in height that match or complement the building facade, such as chain link fencing with opaque slats, or wood or masonry fencing, to provide an opaque visual screen. An enclosure shall be located not less than five feet from a side or rear lot line and shall not be located in a required front yard setback area.

**§ 720-60. Setbacks along district lines.**

- A. In an M-1 or M-BP District no building or structure, the principal use of which is manufacturing, fabricating, assembly, repairing, cleaning, servicing or testing of materials, products or goods, shall be located less than 30 feet from a residence district boundary line.
- B. Where an interior lot line is the boundary of a residential district, all off-street parking or outdoor storage shall be effectively screened from such residential district by a buffer strip at least 12 feet wide and planted to provide an effective visual screen.

**§ 720-61. Restaurants.**

A restaurant, except drive-in, is permitted in a C-R District exclusive of dancing, electronically produced entertainment and/or live entertainment.

**§ 720-62. Dwellings.**

A dwelling(s), when located in an exclusively residential building, is permitted in an O District when such residential use is developed in conformance with the residential requirements of the R-4 Multifamily Residential District. (See Schedules II and III.)

**ARTICLE IX**  
**Special Use Permits**

**§ 720-63. General provisions.**

- A. Those land uses or activities set forth in this chapter as requiring a special use permit are considered to be sufficiently distinctive in terms of their nature, location and impact on the surrounding area as to warrant special evaluation of each individual case. Special use permits shall be issued upon authorization by the City Council, after review by the Plan Commission. Authorization by the City Council shall be based on a determination that the land use or activity requiring a special use permit complies with specific requirements for certain land uses and activities as may be set forth in this article.
- B. General requirements.
- (1) The land use or activity is to be designed, located and operated so as to protect the public health, safety, welfare and convenience.
  - (2) The land use or activity will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
  - (3) The land use or activity will be compatible with existing adjoining development and the implied character of the zoning district where it is to be located.
  - (4) Effective landscaping and visual screening are provided as may be required herein.
  - (5) Adequate off-street parking and loading are provided in accordance with this chapter and ingress and egress are so designed as to cause minimum interference with traffic on abutting streets.
  - (6) The land use or activity conforms to all applicable regulations governing the zoning district where it is to be located, except as may be otherwise set forth elsewhere in this article.
  - (7) Any conditions determined to be necessary to accomplish the purposes of this chapter.
  - (8) Construction of the land use or activity shall begin within one year from the date the permit was granted by the City Council and shall continue with due diligence or the permit shall be null and void. A one-year extension to an approved special use permit may be administratively authorized by the Community Development Department upon submission of a written request setting forth the facts which require an extension.

**§ 720-64. Specific requirements for certain land uses and activities.**

In addition to the above general requirements, other specific requirements shall pertain, as applicable, to certain land uses and activities as follows.

**§ 720-65. Mobile home parks.**

No mobile home park may be built or expanded until a proposal meeting the requirements of this section has been approved by the City Council subject to site plan approval by the Community Development Department.

**A. Environmental standards.**

- (1) **Size and density.** The minimum area allowable for a new park shall be 10 acres and the maximum density of mobile homes within the park shall be seven mobile homes per gross acre. (Gross acreage includes all areas within the approved mobile home park boundaries). Additions, regardless of size, may be made to any existing mobile home park, provided the proposal has had the approval of the City Council in accordance with this section.
- (2) **Mobile home space.** Each mobile home space shall be clearly defined and shall abut on an internal street or driveway with unobstructed access to a public street. The minimum mobile home space shall be not less than 4,000 square feet; the minimum width of the mobile home space shall be at least 40 feet at the front building line. Each mobile home space shall contain no more than one mobile home and one accessory structure (i.e., detached garage or storage shed). The maximum size of a storage shed is 100 square feet.
- (3) **Separation.** Mobile home units may be positioned in a variety of ways within a park, provided that an average separation of at least 20 feet is maintained between units.
- (4) **Setback.** No mobile home shall be located less than 15 feet from the pavement edge of a private street or 15 feet from the right-of-way of any public street within the mobile home park. A minimum of 30 feet shall be maintained between mobile home units and all park boundary lines, except that at least 50 feet shall be maintained between all units and any park boundary abutting an existing public road or highway. The minimum side/rear yard setback for a detached garage or storage building is two feet.
- (5) **Tie-down.** Each mobile home shall be placed on a pad, piers or a foundation and shall be secured to the ground by well anchored tie-downs at least on each corner of the unit.
- (6) **Mobile home skirting.** All mobile homes shall have around their entire perimeters a continuous skirting material of wood, metal, masonry or other suitable durable material within 90 days of occupancy.

- (7) Parking. Two off-street parking spaces shall be provided for each mobile home space. Such parking areas may be located on each individual mobile home space or grouped to serve two or more mobile home spaces.
  - (8) Streets, driveways and parking areas. Streets, driveways and parking areas shall be at least 22 feet wide and shall consist of a compacted base at least four inches thick and shall be paved with four inches of concrete or three inches of asphalt.
  - (9) Lighting. All streets or driveways within the park shall be lighted at night with a minimum average illumination of 0.2 footcandle.
  - (10) Placement of utility lines. All power, telephone and television cable lines shall be located beneath the finished grade of the mobile home park in accordance with the State Electrical Code.
  - (11) Required recreation area. A minimum of 8% of the gross site area shall be devoted to recreation. Recreation areas shall be conveniently located to serve all park residents and shall contain not less than 2,500 square feet, nor a dimension of less than 50 feet.
  - (12) Required buffers. Mobile home parks shall be surrounded by buffer strips at least 15 feet in depth on the sides and rear and 50 feet in depth along the front; no side or rear buffer is required between adjacent mobile home developments. Buffers shall be attractively landscaped and maintained and shall otherwise be unoccupied except for permitted utility facilities, signs or entrance ornamentations. The inside 35 feet or a fifty-foot front buffer may be used for streets or driveways or recreational facilities.
- B. Expansion of existing mobile home parks. Plans for expansion of existing mobile home parks shall be submitted and approved in the same manner as plans for new parks. Environmental standards for new mobile home parks as set forth in Subsection A shall not be retroactive and shall not be applied to existing mobile home parks operating within the City of Fond du Lac at the time of the adoption of this section, nor shall this section govern existing parks annexed to the City.

**§ 720-66. Planned unit development.**

- A. Intent. This section is intended to encourage residential and commercial planned unit developments offering greater creativity and flexibility in site plan design than is provided under the strict application of zoning regulations, while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the City of Fond du Lac. Planned unit developments may include one or a variety of land uses. Mixed uses may include any combination of residential or commercial uses planned and developed in an orderly and compatible relationship to one another. Mixed uses may occur among or within buildings as long as the uses are compatible with each other and with planned and existing uses surrounding the PUD.



- B. Special uses. Any land use not clearly designated by type on the approved final development plan shall be permitted in a PUD only upon issuance of a special use permit.
- C. District standards. The district standards shall be as follows:
- (1) Access. All land uses shall abut on a public street or have adequate access to a public street by means of a private drive. All streets and drives must tie in effectively with the City's existing street system and with those arterial and collector streets proposed in its future land use plan.
  - (2) Architectural style. The architectural style of individual structures shall be compatible with other structures in the PUD, with the overall site design and with surrounding land uses.
  - (3) Common open space. Whenever possible, common open space shall be linked to the open space areas of surrounding developments. Common open space shall be of a size, shape, location and usability for its proposed purpose. At least 10% of the residential portion of a PUD shall be designated common recreational area(s).
  - (4) Density. Density shall be governed by the standards of the zoning district most similar in function to the proposed use. A residential PUD may provide up to a twenty-five-percent increase in the number of units per acre if the PUD provides substantially more site amenities than are found in a conventional residential development. The character, use of existing landscape, design variation and environmental concern of a PUD shall govern the amount of density increase which may be approved.
  - (5) Determining standards. Standards for lot area, coverage, setbacks, parking and screening shall be governed by the standards of the zoning district most similar in function to the proposed PUD use. Deviation from those standards may be permitted only if such deviation is consistent with the total design of the development, encourages a desirable living environment and is not detrimental to the welfare of the City.
  - (6) Exterior boundary setback. No commercial structure shall be nearer than 50 feet to its side or rear property lines where such line abuts a single-family use.
  - (7) Minimum PUD development area. The minimum PUD development area is 10 acres of land in single ownership or control.
    - (a) A land use of less than 10 acres may qualify if one or more of the following conditions exist:
      - [1] Natural features of the land are such that development under standard zoning regulations would not be appropriate in order to conserve such features;
      - [2] The land is adjacent to or across the street from property which has been developed as a PUD and is to be developed in relationship to such prior development; or

[3] The PUD process is desirable to ensure compatibility and careful consideration of the effect of a development on surrounding land uses.

- (b) Detrimental site features affecting the development potential of a site, such as heavily used highways, railroad tracks traversing a property, adjacent incompatible land uses or others may also justify consideration of an area as a PUD in order to give the design flexibility needed to deal with site constraints.

D. Environmental review standards and design standards.

- (1) The proposal shall demonstrate an effective and unified treatment of the development possibilities on the project site, making appropriate provision for the preservation of scenic features and physical amenities of the site and the surrounding areas.
- (2) The project shall be planned and developed to harmonize with any existing or proposed development in area surrounding the project site.
- (3) Individual buildings shall be related to each other in design, mass, placement and connection to provide a visually and physically integrated development.
- (4) Treatment of the sides and rear of all buildings within the project shall be comparable in amenity and appearance to the treatment given to street frontage of these same buildings.
- (5) Landscape treatment for open spaces, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.
- (6) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, trash removal facilities and outdoor storage areas. All such facilities shall be designed to City specification.
- (7) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance, easily maintained, and indicative of their function.
- (8) Parking facilities shall be designed with regard to orderly arrangement, topography, landscaping, and ease of access and shall be developed as an integral part of an overall site design. To reduce unsightliness and the visual monotony of parked cars, such facilities shall be screened from public view.
- (9) Any above-grade loading facility should be screened from public view to the extent necessary to reduce unsightliness.

E. Final development plan approval. Prior to the issuance of a building permit, the developer shall file with the City of Fond du Lac a security instrument, i.e., a performance bond, acceptable to the City in an amount equal to 150% of the estimated cost of public utilities and infrastructure in accordance with the Subdivision

Regulations<sup>8</sup> and paved parking, landscaping, walkways, recreational equipment and lighting in accordance with final development plans. Such bond shall be posted for each phase as it is proposed for development. The estimated cost for termination of each phase shall be retained by the City until subsequent phases are under construction.

- F. Final development plan changes. Any significant changes in the approved final development plan may be made only after a public hearing by the Plan Commission and approval by the City Council. Minor changes may be approved by the Community Development Department.
- G. Extended staged PUD. It is recognized that certain planned unit developments may involve construction over an extended period of time. If it is proposed to develop a project during a period exceeding two years, the developer may request concept approval from the Plan Commission and City Council for the entire project.

**§ 720-67. Automotive service station.**

- A. Fuel pump islands and other outdoor services shall be located at least 20 feet from the street property line and 40 feet from side and/or rear property lines.
- B. Driveways and curb cuts shall be clearly defined, no wider than 35 feet, and located so as not to interfere with traffic at intersections.
- C. When adjacent to a residential district or property used for residential purposes, a landscape setback of not less than five feet shall be provided, including a solid fence not less than six feet in height.
- D. Illuminated building and canopy signage, including neon tubing and other decorative lighting, shall not be utilized on any building or canopy facade that is oriented to face or abut a residential district or property used for residential purposes.
- E. Electronically produced music or amplified sound is prohibited when adjacent to a residential district or property used for residential purposes. In all other cases, electronically produced music or amplified sound is prohibited between the hours of 10:00 p.m. and 7:00 a.m.

**§ 720-68. Car wash.**

- A. Outdoor services shall be located at least 20 feet from the street property line and 40 feet from side and/or rear property lines.
- B. Adequate site area shall be provided to accommodate vehicles waiting for service.
- C. When adjacent to a residential district or property used for residential purposes, a landscape setback of not less than five feet shall be provided, including a solid fence not less than six feet in height.

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8. Editor's Note: See Ch. 705, Subdivision of Land.

- D. Illuminated building signage, including neon tubing and other decorative lighting, shall not be utilized on any building facade that faces or abuts a residential district or property used for residential purposes.
- E. Electronically produced music or amplified sound is prohibited when adjacent to a residential district or property used for residential purposes. In all other cases, electronically produced music or amplified sound is prohibited between the hours of 10:00 p.m. and 7:00 a.m.

**§ 720-69. Outdoor amusement and recreation facility.**

- A. Exterior light sources shall be no more than 18 feet above the ground and shall not produce glare on adjacent properties.
- B. Required off-street parking areas shall be landscaped to screen views from adjacent streets and residential property.

**§ 720-70. Animal hospital, animal boarding, dog park or doggie day care.**

- A. Animal boarding shall be confined to an enclosed building.
- B. Outdoor exercise yards, field training areas and trails shall be confined to an enclosed fenced area. Adequate screening shall be provided from the public right-of-way and adjoining properties. Animal waste shall be removed prior to the close of business each day. Odors from outdoor yards and areas shall be abated.
- C. There shall be no outside storage of refuse, feed or other material and no on-site incineration of refuse.
- D. An odor-absorbing air filtration system shall be used.
- E. Owner/operator shall demonstrate that adequate sound absorption shall be used.

**§ 720-71. Utility transmission line and substation.**

- A. Utility transmission lines and substations shall be located so as to cause the least disruption in the neighborhood.
- B. Substations shall be attractively landscaped to screen objectionable views from adjacent streets and properties.
- C. Transformers are not allowed in front yards.

**§ 720-72. Wireless telecommunications towers and antennas.**

- A. Separation between towers. Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

New Tower Type	Existing Tower Type			
	Lattice	Guyed	Monopole 75 Feet in Height or Greater	Monopole Less than 75 Feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in height or greater	1,500	1,500	1,500	750
Monopole less than 75 feet in height	750	750	750	750

B. Tower height. The following criteria shall apply in determining the maximum height of a tower:

- (1) For a single user: up to 90 feet.
- (2) For two users: up to 120 feet.
- (3) For three or more users: up to 150 feet.

**§ 720-73. Amplified music; mechanically or electronically produced sound, indoor.**

A special use permit is required for a land use that utilizes amplified music or mechanically or electronically produced sound as a regular part of business operations where said use is located adjacent to a building that includes one or more residential living units (including apartments, hotel, bed-and-breakfast inn or similar residential-type use). Land uses regulated by this section shall include taverns, restaurants, arcades and teen clubs, nightclubs (alcohol or nonalcohol), and similar uses on property located in the C-1 District.

- A. This section shall apply to the new use of a building or property for a sound-generating use and/or expansion of an existing use.
- B. Special events that occur two or fewer times in a calendar year (i.e., grand opening, business anniversary, community/charitable fund-raising, etc.) are exempt from this section.
- C. Exterior doors, and interior doors that open into a common hallway, shall not be propped open and shall remain closed except for normal exit/entry of persons.
- D. Sound shall be muffled or controlled so as not to become objectionable due to volume, intermittence, duration, beat frequency, impulse character, periodic character or shrillness. No activity shall emit vibration that is discernible without instruments at or beyond the property line of the premises. The use of soundproofing and/or other measures to prevent sound and vibration intrusions to adjacent properties may be required.

- E. The verification and documentation of a substantial number of complaints for amplified sound or other activity that intrudes upon the neighborhood shall constitute grounds for violation of the special use permit. Complaints shall be verified and documented with the Police Department and brought to the attention of the offending business owner/operator in writing. If the terms of the special use permit have been violated, or if the use is substantially detrimental to persons or property in the neighborhood, the Plan Commission shall recommend to the City Council revocation of the special use permit.

**§ 720-74. Shelter facility.**

No person, partnership, corporation or other entity shall own, operate, manage, rent, lease, occupy or exercise control of any building, structure, premises, or portion or part thereof for a shelter facility within 300 feet of any elementary school (whether public or private). For the purpose of determining distance, the measurement shall be from the nearest exterior wall of the building which the shelter will occupy to the nearest exterior building wall of the elementary school being measured.

**§ 720-75. Billboard/off-premises advertising.**

The following criteria shall be considered:

- A. The relationship of the proposed digital multiple message sign location to other off-premises signs, existing man-made and/or natural features and surrounding development.
- B. The impact of the proposed digital multiple message center on existing residences in the surrounding area.
- C. The impact of the proposed digital multiple message sign on the development or redevelopment of the parcel on which it is proposed to be located.
- D. The impact on the surrounding area and future rights-of-way as designated by the Comprehensive Plan and/or the Official Map.

**§ 720-76. Bed-and-breakfast inn.**

- A. The dwelling which the bed-and-breakfast occupies shall be the principal residence of the operator/owner and said operator/owner shall live on the premises where the bed-and-breakfast operation is active.
- B. Breakfast shall be the only meal served to overnight guests.
- C. On-site parking in accord with Schedule IX shall be provided.<sup>9</sup>

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9. Editor's Note: Schedule IX is included as an attachment to this chapter.

ARTICLE X  
**Off-Street Parking and Loading**

**§ 720-77. Scope of regulations.**

The off-street parking and off-street loading provisions of this article shall apply as follows:

- A. Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this article for all buildings and structures. These regulations shall apply to parking situated in an uncovered open area and to parking provided within or beneath a building.
- B. Where the intensity of use of any building is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement, or where the existing use of a building is changed to a new use which requires more off-street parking than would have previously been required, such additional parking and loading facilities as required by this article shall be provided.
- C. Where a building or structure was erected prior to the effective date of this chapter, the provision of additional parking or loading facilities is mandatory only in the event the floor area of the building or structure is increased and then only to the extent required by such added floor area.

**§ 720-78. Existing parking facilities.**

Off-street parking facilities in existence on the effective date of this chapter and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this article.

**§ 720-79. Off-street parking.**

- A. Required spaces.
  - (1) The minimum number of off-street parking spaces required for land uses or activities permitted by this chapter shall be as set forth in Schedule IX, which schedule is hereby adopted and made a part of this chapter.<sup>10</sup>
  - (2) Off-street parking shall not be required for nonresidential uses in the Central Business District except for buildings hereafter erected, enlarged or structurally altered or converted to provide dwelling units. Where off-street parking facilities are provided, such facilities shall be constructed in accordance with the provisions of this article, except in respect to the required number of spaces. The Central Business District shall be defined as that area bounded by Marr Street on the east, Merrill Street on the north, the East Branch of the Fond du Lac River on the west and Western Avenue and Fourth Street on the south.

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10. Editor's Note: Schedule IX is included as an attachment to this chapter.

- (3) The determination of required off-street parking shall be based on the gross square footage of a building, exclusive of basements and crawlspace areas used exclusively for the operation of the building. For uses with multiple individual components, such as hotels with dining and conference facilities, the parking requirement shall be based on the sum of the parking requirements of the separate components. Except for shopping centers or where joint parking has been approved, if a structure or site contains two or more principal uses, each use shall be calculated separately in determining the total off-street parking spaces required.
- B. Location. All required off-street parking spaces for residential uses shall be located on the same lot as the use to be served. Where allowed by this chapter, off-street parking spaces may be provided on the same site or off site in a private or public parking facility. Off-street parking facilities for separate uses on a single property or within adjacent contiguous properties may be combined if the total number of spaces so provided is not less than the sum of the separate requirements for each such use. A parking area for a use located in a commercial district may extend into an adjacent residential district when approved by special use permit.
- C. Area and access. The minimum size of a required off-street parking space shall be not less than nine feet by 18 feet, exclusive of access drives, aisles, structural supports and columns, or similar obstructions. Each parking space shall be independently accessible to an aisle and/or driveway and shall be provided with appropriate means of vehicular access to a street or alley. An arrangement of tandem parking to include the area of a garage or carport and an adjacent open/driveway parking area shall be permitted only for residential uses upon compliance with setback requirements of the underlying district and as individual property conditions may allow. In addition to the allowable driveway area for a one-family or two-family dwelling, one uncovered parking space is permitted alongside the garage, provided such space is not located between the building and the street, is at least eight feet from a side and/or rear lot line, and is constructed so as not to interfere with lot drainage and screened with landscape plantings or fencing. The size of an uncovered parking space shall not exceed 12 feet in width and 18 feet in depth, or the depth of the garage, whichever is less.
- D. Setbacks.
  - (1) Landscape plantings shall be provided in all parking lot setback areas. Refer to Subsection F(2).
  - (2) Front yards:
    - (a) C-1 District: five feet.
    - (b) C-2 District: 10 feet.
    - (c) O District: 15 feet.
    - (d) M-1 District: 30 feet.
    - (e) M-BP District: 50 feet.



- (f) Residential districts: refer to front yard setback requirements of individual zoning districts. [Refer to Schedule III.]
- (3) Side and rear yards: minimum five feet except as may be required by this chapter for a specific use.
  - (a) M-BP District: No parking or loading areas may be constructed in any required yard. Refer to Schedule VII.
- (4) Exceptions.
  - (a) No setback shall be required along a public alleyway.
  - (b) Where the interior (along side or rear lot lines) of a parking lot abuts the building wall of an adjacent property no side or rear yard setback shall be required, provided that curbing, wheel stops or other similar measures are employed to prevent vehicles from rolling across a property line.
  - (c) Where the interior (along side or rear lot lines) of a parking lot abuts a parking lot of an adjacent property no side or rear yard setback shall be required, provided that curbing, wheel stops or other similar measures are employed to prevent vehicles from rolling across a property line.
  - (d) Notwithstanding setback requirements of this article, the more restrictive shall apply.

E. Driveways.

- (1) Single-family and two-family residences.
  - (a) Driveways shall be no wider than 24 feet at the front lot line, but may increase to any width between the front lot line and the garage, not exceeding the width of the garage. In no case shall any part of the driveway exceed the width of the garage except where additional parking is located alongside the garage pursuant to Subsection C. Where the driveway width at the garage exceeds the allowable maximum width at the front lot line, the driveway shall be tapered to be no wider than 24 feet at the front lot line. Where no garage exists the maximum driveway width shall not exceed 20 feet. Said driveway shall not extend past the rear wall of the building and shall be situated so as not to create a front yard parking area.
  - (b) Circular driveways. Circular, horseshoe and similar type driveways shall be permitted where the minimum lot width is at least 100 feet. The maximum width of such a driveway shall not exceed 15 feet, except for the area of allowable paving in front of or alongside of a garage. The maximum curb opening shall not exceed 17 feet. For driveways with two curb openings, the spacing shall provide a minimum dimension of 50 feet between the inside driveway edges, measured at the front lot line.
- (2) Single-family condominium residences. Refer to § 720-33D.

- (3) Multifamily. No driveway shall be wider than 24 feet at the public right-of-way line within the required front yard area, with a maximum width elsewhere of 20 feet. The twenty-foot width may be increased where the Fire Department determines a modification is necessary for public safety. Parking shall be prohibited along all common driveway area.
- (4) Commercial and industrial. Maximum driveway width shall be determined on a case-by-case basis and shall consider specific circumstances of the individual property and land use.

F. Design and maintenance.

- (1) Surfacing. Off-street parking areas, loading areas and driveways shall be provided with a compacted base at least four inches thick and shall be paved with four inches of concrete or three inches of asphalt. Paving is required within one year of construction of a parking area, loading area or driveway. If left unpaved for the permitted time period, a base course consisting of a minimum of four inches of gravel is required prior to occupancy.
  - (a) M-BP District. In addition to the provisions of Subsection F(1) above, all drives, parking and loading areas shall be curbed.
- (2) Screening and landscaping. Off-street parking areas shall be screened on all sides except when a side or rear yard abuts another parking lot, or the side or rear building wall of an adjacent property situated at or near the common property line, or a public alleyway. Any parking area accommodating more than 40 vehicles shall provide landscape islands or planters at the beginning and end of each row. Landscape islands shall be the approximate size of a parking stall. Screening shall consist of a mix of deciduous and evergreen trees and shrubbery. Landscaping, at a minimum, shall reflect the character of the property and of adjacent properties. Shrubs and hedges used for screening purposes shall be at least 24 inches in height at the time of planting. The plantings shall be designed to provide an effective, dense screen within two years after the date of planting. The minimum caliper of a tree shall be not less than two inches.
  - (a) M-BP District. In addition to the provisions of Subsection F(2) above, landscape islands shall be constructed and curbed within all parking areas. At least one two-inch-caliper tree shall be planted within and alongside parking areas every 50 feet. Where the number of spaces in any one parking lot exceeds 40, the provisions of Subsection F(2) shall apply. All parking and loading areas shall be screened by berms not less than three feet in height. Berms shall be landscaped with appropriate landscape groupings to include both trees and shrubs.
- (3) Lighting. Illumination of an off-street parking area shall be 0.5 watt per square foot maximum arranged so as not to reflect direct light onto adjacent properties or the public right-of-way. Freestanding light poles shall not exceed 18 feet in height, measured from finished grade to the top of the light standard, for commercial, institutional and manufacturing properties and uses located adjacent to residential districts and for multifamily uses adjacent to a single family residential district.

- (4) Repair and service. No vehicle repair work of any kind shall be permitted in any off-street parking area, driveway or access aisle.

#### **§ 720-80. Off-street loading.**

Off-street loading berths shall be provided in connection with any building or structure which is to be erected or enlarged and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

- A. Location. All required off-street loading berths and access thereto shall be located entirely on the same lot as the use to be served. Suitable property area shall be provided for on-site turning and maneuvering of vehicles. No portion of any vehicle shall project into a street or alley. No loading berth shall be located in a required front yard.

- (1) M-BP District. In addition to the provisions of this subsection, loading areas and loading docks are not permitted on the side of a building adjacent to a street or a highway.

- B. Access. Each required off-street loading berth shall be provided with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

- C. Space allocation. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

## **ARTICLE XI**

### **Signs**

#### **§ 720-81. Purpose.**

The intent of this article is to acknowledge that the reasonable display of signs is appropriate as a public service and necessary to the conduct of competitive commerce and industry. Provisions of this article are intended to establish minimum standards which regulate the design, erection and display of signs based on land use, public safety, neighborhood values and aesthetic quality.

#### **§ 720-82. General provisions.**

- A. Permit required. No sign shall be erected, replaced, relocated or structurally modified unless a permit is first obtained by the owner or his agent from the Building Inspector. A permit shall not be required for real estate signs, construction and subdivision development signs, building nameplates, building markers, window signs, flags, and political signs.
- B. Exceptions. The provisions of this article shall not apply to signs erected and maintained pursuant to and in discharge of any function of government, or required by law, including public or quasi-public signs which are intended to welcome visitors to the City

of Fond du Lac or advertise the City, provided that such signs are designed, erected and maintained in a manner so as to be compatible with the surrounding development.

- C. Sign projections. No sign and/or awning shall extend beyond a property line. A sign and/or awning shall not encroach into and/or over the public right-of-way except as specified by § 720-11C(2).
- D. Painted signs. Signs shall not be painted on the exterior wall of any building. Existing painted wall signs shall not be repainted and shall be removed at such time as new signage permitted by this article is installed.
- E. Illumination. An illuminated sign or lighting device shall not employ flashing, rotating or moving light. In no event shall an illuminated sign or lighting device be situated to direct or beam light onto adjacent residential land or onto a public right-of-way, waterway or air corridor, or premises adjacent to any of these, so as to cause glare or reflection that may constitute a nuisance or traffic hazard.
- F. Vision clearance triangle. Ground signs within the vision triangle shall include not more than two posts or standards eight inches or less in diameter. The minimum clearance for all signs (ground, wall, projecting) shall be not less than eight feet above the grade of the intersection of the street center lines, and signs shall be situated so as not to obscure the vision of motorists approaching the street intersection.
- G. Removal. In any district all signs and/or sign structures must be removed when the business or activity identified or advertised by such sign(s) has not been conducted for a period of six months or more, or when a sign structure remains unused for a period of six months or more. The owner or lessee of the premises on which said sign(s) and/or sign structures are located shall accomplish removal within 60 days from the date of mailing of a notice by the Building Inspector. If not removed within said period, such signs may be removed by the City at the owner's expense.

**§ 720-83. Downtown sign district.**

- A. Purpose. The purpose of this section is to establish special regulations for signs within the C-1 District, plus property located in the North Main Street Historic District and the South Main Historic District, the boundaries of which may be amended from time to time. The provisions of this sign district are intended to reflect the need to preserve, protect and promote the unique historic character and architecture of downtown Fond du Lac. The regulations shall apply to any new sign and/or the restoration, relocation, replacement or modification of any existing sign or sign area.
- B. Approval.
  - (1) The business owner, property owner, and/or sign contractor shall submit photographs and/or a rendering of the affected building and details of the proposed sign, including design, size, location, materials and color, to the Community Development Department for review and approval by the Downtown Architectural Review Board prior to the issuance of a building permit as may be required by this section. Certain minor actions that do not affect the character of the Downtown

Design Overlay District may be approved by the Community Development Department, such as the repair, modification or replacement of an approved sign. Community Development staff shall determine if a structure and/or site is of historic or architectural significance, and if so, whether requirements of Chapter 374, Historic Preservation, apply. Where a property is a City-designated historic site or structure, the Historic Preservation Commission shall review new signage and, if compatible, approve; review by the Downtown Architectural Review Board is not required.

- (2) Where an applicant wishes to contest the decision of the Downtown Architectural Review Board, the applicant may submit a written appeal to the Board of Appeals. The Board of Appeals shall consider the regulations of this section and § 720-42, the Downtown Fond du Lac Partnership Design Guidelines, and the particular circumstances of a proposed sign as it relates to the property and surrounding area, in action to affirm, modify or deny an appeal of a decision of the Downtown Architectural Review Board.
- C. Sign design. Sign shape, color, materials and illumination shall be complementary to the character and architecture of the building for which it is affixed. Signage shall reflect, to the extent practical and appropriate, the Downtown Fond du Lac Partnership Design Guidelines, as may be amended from time to time.
- D. Projecting signs.
- (1) Sign area shall not exceed eight square feet in area; the supporting arm shall be decorative in design. For a building with a linear frontage greater than 40 feet, the maximum sign area is 12 square feet.
  - (2) On the main facade of a building, one projecting sign and one wall sign may be permitted. The combined area of the projecting sign and the wall sign shall not exceed the maximum for the facade allowed by Schedule VIII. Where an awning with signage and a projecting sign are utilized, wall signage is not allowed on that particular facade.
  - (3) The top of a projecting sign shall not be installed above the window sill of the second story or 18 feet above grade, whichever is less.
  - (4) No projecting sign shall interfere with public fixtures installed within the right-of-way, including, but not limited to, street trees, street lights, directional signs, traffic devices or streetscape elements.
  - (5) No projecting cabinet sign installed prior to September 1, 2012, shall be modified, altered, refurbished or replaced, including the replacement or refacing of sign panels. Special consideration may be given to modification or replacement of a projecting cabinet sign that is architecturally or historically significant, or unique in design or structure to complement the building to which it is affixed. A nonconforming projecting cabinet sign shall be removed prior to the installation of any new signage for a property.
- E. Wall signs.

- (1) No sign shall be affixed to a building or installed so as to obscure the architectural features or openings of the building.
- (2) Ground floor businesses in multistory buildings may not install wall signs higher than the bottom of the second floor window sill.
- (3) A wall sign shall be placed no higher than the bottom window sill of the second floor or 18 feet, whichever is less. No sign shall obstruct any window, door, fire escape, stairway or any opening intended to provide air, egress or ingress for any building or structure. Signs shall not obscure the prominent architectural features of a building, such as ornamental masonry.
- (4) No wall cabinet sign installed prior to September 1, 2012, shall be modified, altered, refurbished or replaced, including the replacement or refacing of sign panels. Special consideration may be given to modification or replacement of a wall cabinet sign that is architecturally or historically significant, or unique in design or structure to complement the building to which it is affixed. A nonconforming wall cabinet sign shall be removed prior to the installation of any new signage for a property.

F. Hand painted signs.

- (1) Where a projecting sign and/or wall sign is permitted, the sign composition may include commercial or professional hand painted art work (text, graphics, backgrounds, etc.).
- (2) Hand-painted signs shall be kept in good condition for the life of same, taking care to address color fading, degradation of materials and vandalism. A hand-painted sign shall be removed when it becomes unsightly and/or is not maintained.
- (3) Murals. See § 720-84R.

G. Prohibited signs:

- (1) Electronic message center signs; manual changeable copy signs.
- (2) Inflatable, moving, animated and revolving signs.
- (3) Sheet metal, plastic and thin plywood (less than 3/4 inch thick) and other thin, flat materials, including adhesive vinyl lettering except when such material is used as backing panels.

**§ 720-84. Special signs and devices.**

- A. Real estate. One sale or lease sign or banner per street frontage is permitted for a residential property. No other type of advertising or promotional device, including pennants, streamers, flags, etc., shall be permitted. Real estate sale signs shall not exceed six square feet in size for properties in one- and two-family residential zones and 32 square feet in all other zones. Real estate lease signage in a multifamily residential zone is limited to a banner maintained in good repair or rental information incorporated into a permanent ground sign as may be otherwise permitted by this article. Maximum height

for a ground sign or ground-mounted banner shall not exceed 10 feet. Signage shall be located entirely on the property to which it relates and shall not encroach into and/or over a public right-of-way. Sign size in commercial and industrial districts is not restricted, provided such signage is proportionate to the size of the building and/or land it serves.

- B. Construction. Three signs to identify a project and list pertinent information about the project shall be permitted, to be removed upon completion of construction. Aggregate sign area shall not exceed 96 square feet. All signs shall be located entirely on the property to which they relate and shall not encroach into and/or over a public right-of-way.
- C. Subdivision development. Two signs to advertise a new subdivision or residential development shall be permitted, the aggregate area of which shall not exceed 64 square feet. All signs shall be located entirely on the property to which they relate and shall not encroach into and/or over a public right-of-way.
- D. Subdivision identification. A subdivision of more than 20 lots may erect two permanent signs to identify the development. Each sign shall not exceed 20 square feet in area and six feet in height and shall be placed in a landscaped area situated at least 10 feet from a lot line. Lighting shall be external.
- E. Building identification. Nameplates to denote the name and address of occupants of the premises shall not exceed 288 square inches in area per tenant or resident space.
- F. Directional and instructional. On-premises signs to provide general information related to the property or use such as "entrance," "exit," "parking," etc., may be utilized, provided that signage is located entirely on the property to which it relates, with no encroachment into and/or over a public right-of-way. A maximum of four signs are permitted, each not to exceed 4.5 square feet in area and four feet in height.
- G. Building marker. A building name and construction date may be cut into a masonry surface or permanently affixed to an exterior wall when said sign is constructed of bronze or a noncombustible material, up to four square feet in area.
- H. Awnings and canopies. Lettering and/or pictorial matter affixed to the facade of an awning, or a canopy that is structurally attached to and is an integral component of a building, to advertise or identify a place of business shall constitute a wall sign; such sign area shall be charged to the total area permitted for a use. Where signage is limited to one line of lettering on the awning sign band and/or only the business logo on the awning facade, such area shall not be charged to the total permitted for a use.
- I. Freestanding canopy. One business name and one logo may be situated within the fascia area of a canopy structure. Such signage shall be limited to canopy facades which face a public right-of-way and shall not exceed 50% of area of the fascia to which the signs are affixed. Canopy signage shall not be charged to the allowable sign area of a use.
- J. Window signs. Signs affixed to the interior of a window surface shall not exceed more than 25% of the window area. No sign shall be affixed to the outside surface of any window, except for signage as may be allowed by this article.

- K. Special community events. Temporary signs, banners and sign devices to provide information for community and civic events may be erected for a period not to exceed 40 days upon issuance of a permit from the Building Inspector. Aerial banners that extend over a public right-of-way shall be restricted to Main Street between Merrill Avenue and Western Avenue, or in other locations where approved by the City.
- L. Political signs. Temporary signs, banners and sign devices for political purposes shall not encroach into and/or over a public right-of-way. Signage shall not be attached to fences, trees, traffic signs, directional signs or utility poles and shall not be illuminated or situated so as to obstruct or impair vision or traffic or in any manner create a nuisance, hazard or disturbance to the health and welfare of the general public.
- M. Grand opening displays. To advertise the opening of a new business, outdoor advertising devices may be utilized on the property where the business is located. An outdoor display shall be permitted for one fifteen-day period, upon issuance of a permit from the Building Inspector. An outdoor display may include two of the following elements: streamers, pennants, one banner, one portable sign and one inflatable or three-dimensional product sign. Advertising devices shall not be mounted on a roof or attached to fences, trees, traffic signs, directional signs or utility poles. No part of a display shall encroach into and/or over the public right-of-way or be situated so as to obstruct or impair vision or traffic or in any manner create a nuisance, hazard or disturbance to the health and welfare of the general public.
- N. Banners, pennants, streamers, inflatables and portable signs. To advertise a special sale or event, a temporary outdoor display may be utilized on the property where the event is located. A portable changeable copy or electronic message center sign to advertise a community or charitable event may be utilized off site on private property that is not occupied by a residential use. An outdoor display shall be permitted quarterly for a fifteen-day period, upon issuance of a permit from the Building Inspector. An outdoor display may include two of the following elements: streamers, pennants, one banner, one portable sign and one inflatable or three-dimensional product sign. Advertising devices shall not be mounted on a roof or attached to fences, trees, traffic signs, directional signs or utility poles. No part of a display shall encroach into and/or over the public right-of-way or be situated so as to obstruct or impair vision or traffic or in any manner create a nuisance, hazard or disturbance to the health and welfare of the general public.
- O. Commercial flags. Decorative flags to advertise or identify a business are permitted on the property where the business is situated when pole-mounted on a building wall or affixed to a freestanding flag pole or privately owned light pole. Flags shall be maintained in good condition. No part of a flag display shall encroach into and/or over the public right-of-way or be situated so as to obstruct or impair vision or traffic.
- P. Electronic message center. One electronic message center may be allowed per property, integral to and part of an allowable ground sign as permitted by Schedule VIII. The use of an electronic message center as a primary sign is not permitted. The total area of a message center shall not exceed 50% of the allowable area of a wall sign; where a proposed sign is less than the

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11. Editor's Note: Schedule VIII is included as an attachment to this chapter.



allowable permitted, the message center shall not exceed 50% of the total sign area proposed.

- (1) The minimum interval between copy changes shall be not less than two seconds. Video displays are prohibited.
- (2) No part of a message or background shall in any way be similar to traffic signals and/or emergency signals.
- (3) The use of an electronic message center as part of a permanent ground or wall sign for a property shall prohibit the use of a temporary portable electronic sign on that site.
- (4) An electronic message center shall not display off-premises commercial advertising.
- (5) Electronic message centers may be permitted in residential districts only upon City Council approval of a special use permit.

Q. Sandwich board sign.

- (1) One sign per property is allowed for display during business hours. For a corner lot, one sign per street frontage is allowed. Signs shall be stored within the interior of the building at the close of business each day.
- (2) The dimensions of the sign/supporting structure shall not exceed 30 inches wide by four feet high. Height shall be measured from the sidewalk to the top of the structure when the sign is in place.
- (3) A five-foot clearance shall be provided to allow unobstructed use of the sidewalk. The sign shall not hinder the ability of persons to exit/enter vehicles parked along the curb and/or hinder exit/entry to a building.
- (4) No sign shall have moving parts or illumination.
- (5) The sign shall have no more than two sides and it shall be neat in appearance, constructed of finished all-weather materials, and well maintained.
- (6) The sign shall not be secured, tethered or installed on traffic devices, utility equipment, street trees, street furniture, streetlights, parking meters, or any other public fixture.

R. Murals. All proposed murals shall be subject to review and approval of the Plan Commission; following Plan Commission approval, a sign permit is required. The Plan Commission shall approve, conditionally approve or deny a proposal for a mural. Any person who is aggrieved or affected by the decision of the Plan Commission may appeal the decision to the City Council. An appeal request shall be submitted within 30 days of the date of the Plan Commission's decision. Commencement of an approved mural shall begin within six months from the date of Plan Commission approval or the approval shall be null and void. The following shall apply to any mural, whether existing at the time of adoption of this chapter or proposed:

- (1) The mural has attributes that enhance visual enjoyment.
- (2) The mural exemplifies high artistic quality.
- (3) The mural does not create a public safety issue, such as a distraction to drivers.
- (4) The mural content will not adversely affect the public welfare or morals, or include hostile or negative connotations or representations.
- (5) The content of a mural may not include graphics or text to advertise a business, product, brand, or service, except for the bona fide historic recreation of vintage advertising.
- (6) The location of the mural shall consider the nature of adjacent land uses.
- (7) Lighting in any manner shall be prohibited.
- (8) The mural shall be kept in good condition for the life of same, taking care to address color fading, degradation of materials, and vandalism. Where a mural becomes marked with graffiti, the property owner is responsible for the prompt removal of the graffiti as required by City Code § 500-6. The mural shall be removed when it becomes unsightly and/or is not maintained. Where the mural is not maintained, the City of Fond du Lac can require that the mural be covered with opaque paint in a color complementary to the building on which the mural is located or some other appropriate material.

**§ 720-85. Billboards/off-premises advertising.**

- A. Purpose. The intent of this section is to provide minimum standards to protect the life, health, safety, property, welfare, convenience and enjoyment of the general public by regulating and controlling the location, use and maintenance of outdoor advertising signs and sign structures. The provisions of this section are intended to mitigate the aesthetic impact on a neighborhood that affects the visual environment, and to contribute to the development and maintenance of an attractive visual environment for the community while facilitating the communication of information to the public. The provisions of this section do not apply to properties located within 500 feet of either side of the center line of United States Highway 41 or United States Highway 151, except that existing off-premises signs may be replaced if mitigated in accord with the provisions of this section.
- B. Existing signs. Off-premises signs in existence prior to February 22, 2012, shall be considered a nonconforming use and shall represent the maximum number of off-premises signs permitted within the City of Fond du Lac.
- C. Replacement/relocation.
  - (1) Digital multiple message or static off-premises advertising signs may be permitted in the C-2, CR and M-1 Districts upon City Council approval of a special use permit.

- (2) The mitigation credit for removal/replacement of an existing off-premises sign shall be one new sign permitted for the removal of two existing signs. An existing sign must be a minimum area of 200 square feet per face to qualify for a mitigation credit. Each sign face shall constitute one sign.
- (3) A replacement sign installed on an existing structure that does not meet the requirements of Subsection D(2) and (3) for height and setbacks may be allowed upon approval of a special use permit without necessity of a variance.
- (4) A new sign shall be installed within one year after issuance of a building permit.
- (5) A demolition permit is required for the removal of an off-premises sign in mitigation of a new sign. A sign permit shall not be issued for a new/replacement sign until all conditions of the demolition permit have been met.

D. General requirements.

- (1) The maximum surface area per face of an off-premises sign is 300 square feet, including the frame and trim. Each sign face shall constitute a sign.
- (2) Maximum sign height shall not exceed 30 feet. Sign height shall be measured from the average height at road grade elevation to the highest point of the sign.
- (3) Minimum sign setback from the front lot line shall be not less than 15 feet. Setback distance shall be measured from the lot line to the outermost physical extension of the sign.

E. Digital multiple message signs. Signs shall meet applicable regulations of the State of Wisconsin and all regulations of this section, including:

- (1) The duration that a digital message remains in a fixed position shall be eight seconds or more before changing to the next message.
- (2) The transition time, or the time it takes to change a message, shall be one second or less.
- (3) No sign shall interfere with the visibility or the operation of any traffic signal or railroad control device.
- (4) Movement, flashing, blinking, scrolling and/or animation is prohibited.
- (5) Audio speakers and all forms of pyrotechnics are prohibited.
- (6) Digital signs shall be equipped with automatic dimming capability; light shall not exceed 0.3 footcandle over ambient light levels.

**§ 720-86. Prohibited signs.**

- A. No sign shall exhibit or convey statements, words, photographs, silhouettes, drawings or other pictorial representations of any manner of an obscene or pornographic nature, or that depict specified anatomical areas or specified sexual activities as described in § 720-6.

- B. No sign shall display advertising matter which is untruthful.
- C. No sign shall employ visible moving parts or any portion of which moves.
- D. No sign shall emit audible sound, odor or visible matter.
- E. No sign shall imitate or resemble an official traffic sign or signal, or bear the words "stop," "go slow," "caution," "danger" or similar commands.
- F. Roof signs are not permitted in any district.
- G. No person shall park any vehicle or trailer on a property so as to be seen from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises. This does not include vehicles used in the day-to-day operations of a business, grand opening displays, temporary advertising, or portable signs as described in § 720-84M and N.

**§ 720-87. Construction and maintenance.**

- A. Construction standards.
  - (1) Ground signs shall be self-supporting and permanently attached to a foundation. For signs over eight feet in height, foundations shall be installed below the frost line.
  - (2) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members.
  - (3) Ground signs shall be installed to withstand wind of at least 90 miles per hour.
- B. Maintenance.
  - (1) All signs shall be kept clean, in good order and repair, and maintained in a safe condition so as not to be detrimental to the public health or safety.
  - (2) In the event the Building Inspector determines that any sign regulated by this article is unsafe or is a hazard to the public, the owner of the sign and the owner of the premises upon which the sign is erected shall be served notice to remove or repair said sign. Removal or repair shall be accomplished within 14 days from the mailing date of the Building Inspector's notice. If not removed or repaired by the owner within said fourteen-day period, such signs may be removed by the City at the owner's expense. The Building Inspector may cause any sign which is a source of immediate peril to person or property to be removed summarily and without notice. If not removed by the owner, such sign may be removed by the City at the owner's expense.
- C. Nonconforming signs. The replacement or restoration of a nonconforming sign shall comply with the requirements of Article XII of this chapter, except as may be otherwise specified by §§ 720-84 and 720-86. "Altered," "replaced," "restored" or "reconstructed"

shall not include normal maintenance, the changing of surface sign space or advertising message, or the addition, construction, installation or changing of electrical wiring or electrical devices.

**§ 720-88. Notice of violation; removal of sign.**

In the event of a violation of any of the foregoing provisions, the Building Inspector shall give written notice specifying the violation to the named owner of the sign and the named owner of the premises on which the sign is located. The sign shall thereupon be brought into conformance by the owner or removed within 30 days from the mailing date of said notice. In the event the violation is not corrected within said thirty-day period, the sign shall be removed by the owner or by the City at the owner's expense.

**ARTICLE XII**

**Nonconforming Buildings, Structures and Uses**

**§ 720-89. Intent.**

The regulations of this article are intended to provide controls over nonconforming uses and structures, and to specify those circumstances and conditions under which those nonconforming structures and uses may be repaired, restored, continued or discontinued, in accordance with the authority granted by Wisconsin Statutes. Nonconforming uses located within the S Shoreland Overlay District shall be regulated by the applicable provisions of § 62.231, Wis. Stats.

**§ 720-90. Nonconforming uses.**

The continued lawful use of a building, premises, structure or fixture existing lawfully at the time of the adoption or amendment of this chapter may continue in accordance with the following regulations:

- A. The nonconforming use may not be extended.
- B. The total structural repairs or alterations in such nonconforming building, premises, structure or fixture shall not during its life exceed 50% of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use.
- C. If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the requirements of this article.
- D. The nonconforming use shall not be changed to any other use other than a use permitted in the district in which the building, premises, structure or fixture is located.

**§ 720-91. Nonconforming structures.**

A dwelling or other building that existed lawfully before this chapter was enacted or amended, but that does not conform to one or more of the current development regulations of this chapter may continue, provided that:

- A. Repair, maintenance, renovation or remodeling of a nonconforming structure shall be permitted, without limitation based on cost.
- B. Restoration of a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation shall be permitted, without limitation based on cost, if the structure will be repaired, improved or restored to the size and use that it had immediately before the damage or destruction occurred.
  - (1) The size of a damaged or destroyed nonconforming structure may be increased to a size larger than the structure was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.
- C. Additions and enlargements.
  - (1) Except as otherwise set forth in this article, a nonconforming structure shall not be added to or enlarged in any manner unless such nonconforming structure is made to conform to the regulations of the district in which it is located.
  - (2) A structure designed or intended for a permitted use but is nonconforming as to lot size, setback, coverage, height, or parking requirements may be added to or enlarged, provided that any such addition complies with current development regulations of this chapter.
  - (3) An attached or detached garage, and/or storage building or gazebo, may be constructed on a lot which contains a nonconforming dwelling as provided in § 720-11C(13) and (14).
- D. Relocation. A nonconforming structure may be moved in whole or in part on the same or any other lot, provided:
  - (1) The relocated structure is designed or intended for a use permitted in the district in which it is to be located.
  - (2) The relocated structure shall be made to conform to all of the regulations of the district in which it is to be located.
  - (3) The relocated structure shall be in harmony with the general character of existing structures within the immediate neighborhood.

#### **§ 720-92. Signs.**

Notwithstanding any other provision of this article to the contrary, no nonconforming advertising sign or identification sign shall be replaced or restored, if damaged or destroyed by any cause greater than 50% of the assessed value, except in compliance with the applicable provisions of this chapter. (See Schedule VIII.)

ARTICLE XIII  
**Administration and Enforcement**

**§ 720-93. Building Inspector.**

The Building Inspector of the City of Fond du Lac, or his/her designee, is hereby authorized to administer and enforce the provisions of this chapter, including, but not limited to, the inspection of properties, issuance of permits, and maintenance of appropriate records of all such official actions.

**§ 720-94. Building permit.**

- A. Except as hereinafter provided, no permit pertaining to the use of land or permit as required by building codes for the erection, enlargement or structural alteration of a building or structure shall be issued by an officer, department, or employee of the City of Fond du Lac unless the application for such permit has been examined by the Building Inspector, indicating that the application complies with the provisions of this chapter. Any building permit or certificate of occupancy issued for an application that is in conflict with the provisions of this chapter shall be null and void.
- B. The installation or reinstallation of a mobile home as a residence in a mobile home park shall require the issuance of a mobile home permit by the Building Inspector. No mobile home permit may be issued for an installation which does not meet the Manufactured Home Site Fire Safety Requirements (setback requirements) of the City of Fond du Lac Fire Protection Code.

**§ 720-95. Board of Appeals.**

- A. Creation and membership. The Board of Appeals under this chapter is the Board of Appeals which has been duly created by the City of Fond du Lac.
- B. Organization.
  - (1) The Board shall have power to adopt rules and regulations for its own government consistent with law and with the provisions of this chapter or of any other ordinance of the City of Fond du Lac.
  - (2) Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his/her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
  - (3) All meetings of the Board shall be public. The Board shall keep minutes of its proceedings showing the action of the Board and the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record.

- (4) The presence of four members shall constitute a quorum. The Board shall act by motion. The concurring vote of a majority of members present shall be necessary to reverse any order, decision or determination of the Building Inspector or his/her designee or to decide in favor of the applicant any matter upon which it is required to pass under this chapter, or to effect any variation of this chapter.
- (5) A variance granted by the Board of Appeals shall be valid for a period of one year from the date of the meeting at which such action was taken. If no building permit is applied for within such one-year period, the action of the Board of Appeals shall be null and void, and a new variance must be granted under the normal procedures outlined in this section. A one-year extension may be administratively authorized by the Building Inspector or his/her designee upon submission of a written request setting forth the facts which require an extension. A variance granted under this chapter runs with the land.

C. Jurisdiction. The Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto.
- (2) To hear and decide special exception to the terms of the chapter.
- (3) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the chapter will result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (4) Hear and decide all other matters referred to it upon which it is required to act under this chapter.

D. Appeals.

- (1) An appeal to the Board of Appeals may be taken by any person, firm or corporation, or by any office, department, board, bureau, or commission, aggrieved by an any decision of the administrative order, requirement, decision, or determination under this chapter by the Building Inspector or his/her designee.
- (2) An appeal shall be filed with the Building Inspector or his/her designee and the Board of Appeals and thereafter processed as prescribed by applicable Wisconsin Statutes. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals, after the notice of the appeal shall have been filed with him/her, that by reason of facts started in the certificate, a stay would in his/her opinion cause imminent peril to life or property.

E. Appeal for a variance.

- (1) The Board of Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make exceptions to the terms of this chapter in harmony



with its general purpose and intent, and in accordance with general or specific rules therein contained.

- (2) In granting a variance the Board of Appeals shall find that:
  - (a) There is no practical way for the applicant to accomplish the intended objective of requirements specified in this chapter;
  - (b) The variance is not contrary to the public interest;
  - (c) The property has a special or unique condition and the special condition of the property creates an unnecessary hardship; and
  - (d) The alleged difficulty or condition for which an exception is sought has not been created by any person presently having an interest in the property.
- (3) No use variance may be granted within the S Shoreland Overlay District.
- (4) In granting any exception, the Board of Appeals shall prescribe any conditions that it deems necessary or desirable.

F. Procedure.

- (1) An application for a variance may be made by any person, firm, corporation, organization or any governmental office, department, board, bureau, or commission which has or is intending to file an application for a building permit under this chapter.
- (2) Where an application for a variance is denied by the Board of Appeals, the petitioner and/or his representative may not submit the same application less than one year from the date of denial.

**§ 720-96. Plan Commission.**

- A. Creation. The Plan Commission referred to in this chapter is the Plan Commission which has been duly created by the City of Fond du Lac.
- B. Jurisdiction. The Plan Commission shall submit reports and recommendations to the City Council on all applications for amendments to the Zoning Map or regulations of this chapter and all applications for special uses that have been referred to the Plan Commission by the City Council, except those concerned with a public utility installation. (See § 720-97C.)
- C. Procedure. Procedures on matters pertaining to amendments and special uses under the jurisdiction of the Plan Commission in this chapter shall be in accordance with provisions of § 62.23(7)(d), Wis. Stats.

**§ 720-97. Amendments.**

- A. Authority. The City Council may, from time to time, in the manner set forth in applicable Wisconsin Statutes, amend the regulations imposed by this chapter, provided that due

allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantages of the entire City and the uses to which property is devoted at the time of the adoption of such amendments.

- B. Initiation. Amendments may be proposed by the City Council or any member thereof, the Plan Commission, Board of Appeals, or any person, firm, corporation, or organization.
- C. Procedure. Any proposed amendment shall be processed, and notices given, in accordance with the provisions of § 62.23(7)(d), Wis. Stats.

**§ 720-98. Fees.**

Fees shall be payable to the City of Fond du Lac and shall accompany an application upon submittal of development requests as required by this chapter. Such fees shall be paid in an amount set by resolution of the City Council.

**§ 720-99. Enforcement; violations and penalties.**

Except as otherwise provided, any person, firm, corporation or organization found to be in violation of any provisions of this chapter or any rule or order promulgated herein shall be subject to a penalty as provided in § 1-4 of this Code.

## ZONING

## 720 Attachment 1

## City of Fond du Lac

**Schedule I**  
**Land Uses or Activities**  
**Shoreland-Wetland District**

**KEY:**

P = Permitted

SC = Permitted with special conditions (Article V)

SP = Special use permit required (Article IX)

Land Use or Activity	S-W*	A	Site Plan Approval Necessary § 720-12		Reference
			Yes	No	
Agricultural uses, including general farming, dairying, raising grain, grass and seed crops, vegetable farming, orchards, horticulture, plant greenhouses and nurseries, forest and game management and other uses of a similar nature		P		X	
Construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction or maintenance	P			X	
Harvesting of wild crops such as marsh hay, ferns, berries, tree fruits and seeds in a manner that is not injurious to the natural reproduction of such crops	P	P		X	
Hiking, fishing, swimming and boating	P	P		X	
Open space areas and conservation uses, including public and private parks, historic and scientific areas, outdoor education areas, wildlife refuges and public boat launching ramps and attendant access roads	SC	SP		X	§ 720-26B
Single-family detached residential dwellings		SC		X	§ 720-26A
Utility transmission lines, including electric, gas, telephone, water and sewer lines	SC	P		X	§ 720-26C

**NOTES:**

- \* Any use not listed in Schedule I is prohibited, unless the wetland or a portion of the wetland is rezoned by an amendment of this chapter in accordance with the requirements of § 62.23(7)(d)2, Wis. Stats.

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ZONING

*720 Attachment 2*

**City of Fond du Lac**

**Schedule II  
Land Uses or Activities  
Residential Districts**

**KEY:**

P = Permitted

SC = Permitted with special conditions (Article VI)

SP = Special use permit required (Article IX)

Land Use or Activity	R-1	R-2	R-3	R-4	Site Plan Approval Necessary § 720-12		Reference
					Yes	No	
1. Alternate energy installations	SP	SP	SP	SP	X		
2. Art gallery, museum	SP	SP	SP	SP	X		
3. Bed-and-breakfast inn	SP	SP	SP	SP	X		§ 720-76
4. Cemetery, mausoleum	SP				X		
5. Christmas tree sales	SC	SC	SC	SC		X	§ 720-34
6. Church, chapel, place of worship	P	P	P	P	X		
7. Convent, monastery or seminary	SP	SP	SP	SP	X		
8. Conversion of existing dwelling into fewer than 4 dwelling units	SP	SC	SC	SC	X		§ 720-36
9. Conversion of existing dwelling into 4 or more dwelling units				SC	X		§ 720-36
10. Day care, adult	SP	SP	SP	SP	X		
11. Day care, family	P	P	P	P	X		
12. Day care, group	SP	SP	SP	SP	X		
13. Dwelling, one-family	P	P	P	P		X	§ 720-33
14. Dwelling, two-family		P	P	P		X	§ 720-32
15. Dwelling, multifamily			SP	P	X		§ 720-32
16. Dwelling, mobile home; mobile home park	SP	SP	SP	SP	X		§§ 720-14, 720-35, 720-65
17. Dwelling for community living arrangement							
A. Capacity of up to 8 persons	P	P	P	P		X	

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Land Use or Activity	R-1	R-2	R-3	R-4	Site Plan Approval Necessary § 720-12		Reference
					Yes	No	
B. Capacity of 9 to 15 persons	SP	SP	SP	SP	X		
C. Capacity of 16 or more persons	SP	SP	SP	SP	X		
18. Fraternity and sorority for university or college, college dormitory/housing	SP	SP	SP	SP	X		
19. Funeral home, crematory				SP	X		
20. Government service, including municipal utility facilities	P	P	P	P		X	
21. Home occupation	SC	SC	SC	SC		X	§ 720-37
22. Hospital	SP	SP	SP	SP	X		
23. Library, public	P	P	P	P	X		
24. Nursing home, convalescent home	SP	SP	SP	SP	X		
25. Parks and playgrounds	P	P	P	P	X		
26. Planned development	SP	SP	SP	SP	X		§ 720-66
27. Rooming house or boardinghouse			SP	SP	X		
28. School – elementary, middle, high school	P	P	P	P	X		
29. School – college, university, vocational, technical	SP	SP	SP	SP	X		
30. Shelter facility	SP	SP	SP	SP	X		§ 720-74
31. Traditional neighborhood development (TND)	SC	SC	SC	SC	X		§ 720-38
32. Utility – substation, transmission lines	SP	SP	SP	SP	X		§ 720-71

## ZONING

## 720 Attachment 3

## City of Fond du Lac

**Schedule III Bulk  
Requirements  
Residential Districts**

District	Land Use or Activity	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Yards (See §§ 720-10 and 720-11) (feet)				Maximum Building Height (feet)	Maximum Lot Coverage
					Front	Side		Rear		
						One	Total			
All	Nonresidential uses	10,000	80	125	30	30	70	40	35	50%
R-1	All permitted uses	10,000	80	125	30	6	18	20	35	35%
	1-family dwelling lot of record on ____, 2013	6,000	50	115	25	5	14	20	35	35%
R-2	1-family dwelling	6,000	50	115	25	6	18	20	35	35%
	2-family dwelling	10,000	80	125	25	6	18	20	35	35%
R-3	1- and 2-family dwelling	6,000	50	115	25	5	14	20	35	35%
	Multifamily dwelling	20,000 or 3,000 per dwelling unit, whichever is greater	25 for each dwelling unit; maximum required: 125	115	25	12	30	20	45	40%
R-4	1- and 2-family dwelling	6,000	50	115	25	5	14	20	35	35%
	Multifamily dwelling within 200 feet of R-1 District	25,000 or 4,500 per dwelling unit, whichever is greater	30 for each dwelling unit; maximum required: 150	115	35	30	70	20	35	40%

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## FOND DU LAC CODE

District	Land Use or Activity	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Yards (See §§ 720-10 and 720-11) (feet)				Maximum Building Height (feet)	Maximum Lot Coverage
					Front	Side		Rear		
						One	Total			
	Multifamily dwelling	15,000 or 3,000 per dwelling unit, whichever is greater	25 for each dwelling unit; maximum required: 125	115	20	10	25	20	None	50%

**NOTES:**

Lot depth. Minimum lot depth shall be measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth should be measured by drawing several evenly separated lines from the front to rear lot lines, at right angles to the front lot line, and averaging the length of these lines.

Lot width. Minimum lot width shall be measured at the front yard setback line. Corner lots shall be increased in width by 25% over the minimum required width of interior lots.

Lot area. In the R-1 District, 20% of the lots in a subdivision may utilize a minimum lot area of 8,750 square feet (minimum dimensions of 70 x 125). This provision shall not be applicable to lots situated on a cul-de-sac street greater than 500 feet in length.

Lot coverage/parking. Sixty-five percent of all required front yard area shall be maintained in open space and not used for parking and driveways.

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ZONING

*720 Attachment 4*

**City of Fond du Lac**

**Schedule IV  
Land Uses or Activities  
Business Districts**

**KEY:**

P = Permitted

SC = Permitted with special conditions (Article VII)

SP = Special permit required (Article IX)

Land Use or Activity	C-1	C-2	Reference
1. Adult-oriented establishment		SC	§ 720-48
2. Alternate energy installations		SP	
3. Amplified music/sound, indoor	SC; SP	P	§§ 720-49, 720-73
4. Animal hospital, boarding facility, day care, kennel	SP	SP	§ 720-70
5. Art gallery, artist or photography studio	P	P	
6. Automotive, car wash		SP	§ 720-68
7. Automotive, engine repair; body shop, detail shop, painting, service garage		SP	
8. Automotive, sales; new and used, including vehicles, trucks, motorcycles, all-terrain vehicles		P	
9. Automotive, service station		SP	§ 720-67
10. Banks and financial institutions	P	P	
11. Billboard, off-premises advertising		SP	§§ 720-75, 720-85
12. Boat sales and repair; recreational vehicles sales and repair		P	
13. Brew pub, including bottling and distribution	SP	SP	
14. Church, chapel, place of worship	P	P	
15. Commercial cleaning service, professional janitorial establishment	SP	SP	
16. Club or lodge, private	P	P	
17. Cocktail lounge, tavern, bar, teen club, nightclub, arcade	P	P	
18. Day care, adult	SP	SP	
19. Day care, group	SP	SP	
20. Dwelling units	SC	SC	§ 720-50
21. Fitness center, spa, gymnasium	P	P	
22. Funeral home, crematory	SP	SP	
23. Greenhouse, retail plant nursery		P	

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Land Use or Activity	C-1	C-2	Reference
24. Government service, including municipal utility facilities	P	P	
25. Health service and medical offices, clinics, hospital	P	P	
26. Hotel, motel	SP	SP	
27. Indoor amusement and recreation facility, cinema, theater, performing arts	P	P	
28. Library	P	P	
29. Machine, sheet metal and welding shop		SP	
30. Meeting and exhibition hall	P	P	
31. Newspaper office, including printing and publishing	P	P	
32. Outdoor amusement and recreation facility		SP	§ 720-69
33. Personal services, i.e., barbershop, salon (hair/nails/tanning), massage, pet grooming, tattoo/piercing establishment	P	P	
34. Planned development	SP	SP	§ 720-66
35. Printing and publishing shop, copy and duplicating	P	P	
36. Private parking garage or parking lot not accessory to another use	SP	SP	
37. Professional or business offices	P	P	
38. Radio and television studio	P	P	
39. Rental service facility		SP	
40. Restaurant	P	P	
41. Retail businesses and services	P	P	
42. Shelter facility	SP	SP	§ 720-74
43. Shopping center, multi-tenant commercial center, home improvement center, building supply		P	
44. Utility transmission line and substation	SP	SC	§ 720-71
45. Veterinary clinic	SP	P	
46. Wholesale establishment		SP	
47. Warehouse, storage, mini warehouse		SP	
48. Wireless telecommunications towers and antennas	SP	SP	§§ 720-18, 720-72

## ZONING

## 720 Attachment 5

## City of Fond du Lac

**Schedule V Bulk  
Requirements  
Business Districts**

District	Land Use or Activity	Minimum Yards* (See §§ 720-10 and 720-11)			Maximum Building Height
		Front	Side	Rear	
C-1	All permitted uses except when special conditions or special permit provisions state otherwise	None required, except along Main Street no structure shall be less than 40 feet from the center of the existing right-of-way	None required except: 1. If side yard is provided, it shall be at least 5 feet 2. 20 feet when adjacent to a residential district	None required, except 25 feet when adjacent to a residential district	
C-2	All permitted uses except when special conditions or special permit provisions state otherwise	20 feet for each lot or satellite lot of shopping center, except 150 feet for shopping center (25 acres or more)	2 required for each lot or satellite lot of shopping center, each not less than 10 feet, except: 1. 25 feet when adjacent to a residential district 2. 50 feet for shopping center (25 acres or more)	25 feet for each lot or satellite lot of shopping center, except 60 feet for shopping center (25 acres or more)	3 stories or 35 feet whichever is less

**NOTES:**

\* Bulk requirements for uses permitted by special permit may be modified as City Council deems appropriate in its review of a proposal.

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ZONING

720 Attachment 6

**City of Fond du Lac**

**Schedule VI  
Land Uses or Activities  
Commercial-Recreation, Office and Industrial Districts**

**KEY:**

P = Permitted

SC = Permitted with special conditions (Article VIII)

SP = Special permit required (Article IX)

Land Use or Activity	C-R	O	M-1	M-BP	Reference
1. Aboveground storage, sale or distribution of flammable liquids and materials			SP		
2. Aircraft hangars and other aircraft service facilities			P		
3. Alternate energy installation			SP		
4. Art gallery; artist studio, photography studio, museum	P	P			
5. Automotive, car wash			P		
6. Automotive, engine repair; body shop, detail shop, painting, service garage			P		
7. Automotive, service station			P		
8. Bank and financial institution		P		SP	
9. Bathhouse and cabana	SP				
10. Bed-and-breakfast inn		SP			§ 720-76
11. Billboard, off-premises advertising	SP		SP		§§ 720-75, 720-85
12. Business service uses				SP	
13. Charter, excursion and sight-seeing boat	SP				
14. Church, chapel, place of worship		P			
15. Club or lodge, private		P			
16. Commercial cleaning service, professional janitorial establishment			P		
17. Contractor facility, including material and equipment storage			P		
18. Day care, adult		SP		SC	§ 720-55 (SC)
19. Day care, family		P			
20. Day care, group		SP		SC	§ 720-55 (SC)
21. Dwelling		SC			§ 720-62
22. Government service, including municipal utility facilities	P	P	P		

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Land Use or Activity	C-R	O	M-1	M-BP	Reference
23. Greenhouse, landscape nursery			P		
24. Hospital, medical clinics and offices		SP		SP	
25. Hotel and conference center	SP			SP	
26. Indoor recreation facility	SP	SP	SP		
27. Library		P			
28. Manufacturing, research/development and testing			P	P	
29. Marine sales and service, boat docks, fuel sales, marina	SP				
30. Motor freight terminal; air and rail freight terminal, parcel delivery facility			P		
31. National or regional headquarters office facilities		P		P	
32. Nonmetallic mining			P		
33. Nursing home, convalescent home		SP			
34. Offices: governmental, business or professional, including medical clinics		P		SP	
35. Outdoor amusement and recreational facilities	SP		SP		
36. Personal services, i.e., barbershop, salon (hair/nails/tanning), massage, pet grooming, tattoo/piercing establishment		P		SC	§ 720-55 (SC)
37. Planned development		SP			§ 720-66
38. Private parking garage or parking lot not accessory to another use			P		
39. Processing, packaging, fabricating, cleaning, bottling, distribution, servicing, testing facilities			P		
40. Public or privately owned resort	SP				
41. Publishing and printing			P	SP	
42. Railroad switching and repair facility			P		
43. Restaurant	SC			SC	§ 720-55 (CR)
44. Retail business	SP				
45. Salvage and recycling facility			SP		
46. Shelter facility		SP	SP		§ 720-74
47. Utility transmission line and substation		SP	P	SP	§ 720-71
48. Warehouse, storage, mini storage			P		
49. Wholesale establishment			P		
50. Wireless telecommunications towers and antennas			P	SP	§§ 720-18 and 720-72 (SP)

## ZONING

## 720 Attachment 7

## City of Fond du Lac

Schedule VII Bulk  
Requirements\*

## Commercial-Recreation, Office and Industrial Districts

District	Land Use or Activity	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Yards* (See §§ 720-11 and 720-13)			Maximum Building Height
				Front	Side	Rear	
C-R	All permitted uses except when special conditions or special permit requirements state otherwise	10,000	80	20 feet	5 feet, except 20 feet when adjacent to a residential district	20 feet	3 stories or 40 feet whichever is less
O	All permitted uses except when special conditions or special permit requirements state otherwise	10,000	80	20 feet	10 feet, except 20 feet when adjacent to a residential district	25 feet	
M-1	All permitted uses except when special conditions or special permit requirements state otherwise			30 feet	15 feet, except 30 feet when adjacent to a residential district; none required when adjacent to a railroad right-of-way	25 feet, except none required when adjacent to a railroad right-of-way	
M-BP	All permitted uses except when special conditions or special permit requirements state otherwise	120,000 Exception: 5 acres for lots abutting state or federal highways	250	50 feet; 100 feet for yard abutting state or federal highway	30 feet or 45% of building height, whichever is greater; 100 feet for yard abutting state or federal highway	30 feet or 45% of building height, whichever is greater; 100 feet for yard abutting state or federal highway	

**NOTES:**

\* Bulk requirements for uses permitted by special permit may be modified as the City Council deems appropriate in its review of a proposal.

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## ZONING

## 720 Attachment 8

## City of Fond du Lac

**Schedule VIII**  
**Design Standards and Specifications for Signs**

Zoning District	Allowable Signage Total Number of Signs Permitted on Any Lot	Maximum Gross Surface Area Permitted (square feet) <sup>1</sup>			Projecting Sign	Ground Sign (feet)			
		Wall and/or Projecting Sign	Ground Sign	Electronic Message Center <sup>2</sup>	Maximum Projection From Wall (inches)	Height		Minimum Setback	
						Maximum	Minimum <sup>3</sup>	Front	Side
All districts: Educational Hospital Institutional Religious	1 ground sign per street frontage plus 1 wall sign per building	1.0 per linear foot of building facade; 50 square feet maximum	0.1 per linear foot of lot frontage; 80 square feet maximum; for lots with a frontage of 200 feet or more, 150 square feet maximum	1 EMC per property; ground sign only		10		10	10
R-1 Condominium development, more than 8 buildings	1 ground sign		25 square feet			6		10	10
R-3 and R-4 Multifamily dwelling Mobile home park	1 ground sign or 1 wall sign	15 square feet	0.5 per linear foot of main building facade; 25 square feet maximum			10		10	10
O C-R	1 wall sign for each tenant space plus 1 ground sign	0.5 linear foot of building facade	0.5 per linear foot of main building facade; 50 square feet maximum	1 EMC permitted per property, except for a residential land use		20	8	10	10

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Zoning District	Allowable Signage Total Number of Signs Permitted on Any Lot	Maximum Gross Surface Area Permitted (square feet) <sup>1</sup>			Projecting Sign	Ground Sign (feet)			
		Wall and/or Projecting Sign	Ground Sign	Electronic Message Center <sup>2</sup>	Maximum Projection From Wall (inches)	Height		Minimum Setback	
						Maximum	Minimum <sup>3</sup>	Front	Side
C-1	1 projecting sign plus wall signs	Wall sign: 2.0 per linear foot of building façade  Projecting sign: 8 square feet, except 12 square feet for a building façade greater than 40 linear feet			40				
C-2	1 projecting sign or 1 wall sign for each tenant space plus 1 ground sign for each lot	1.0 per linear foot of building facade	1.0 per linear foot of main building facade with a maximum of 75 square feet, for lots with a frontage 150 feet or more, 150 square feet maximum	1 EMC permitted per property	40	20	8	5	5
	1 ground sign for a shopping center (lot area greater than 15 acres) or multi- tenant commercial building greater than 25,000 square feet in area, plus 1 monument sign for each outlot or satellite lot		1.0 per linear foot of main building facade with a maximum of 350 square feet; for outlot or satellite lot, 1.0 per linear foot of main building facade with a maximum of 75 square feet	1 EMC permitted per shopping center.		40  8	8	15  15	15  15
M-1	1 ground sign per street frontage plus wall signs	1.0 per linear foot of building facade	1.0 per linear foot of main building facade; 150 square feet maximum	1 EMC permitted per property		20	8	10	10

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## ZONING

Zoning District	Allowable Signage Total Number of Signs Permitted on Any Lot	Maximum Gross Surface Area Permitted (square feet) <sup>1</sup>			Projecting Sign	Ground Sign (feet)			
		Wall and/or Projecting Sign	Ground Sign	Electronic Message Center <sup>2</sup>	Maximum Projection From Wall (inches)	Height		Minimum Setback	
						Maximum	Minimum <sup>3</sup>	Front	Side
M-BP	1 ground sign plus 1 wall sign	0.5 per linear foot of building facade on a side facing a street or highway; 100 square feet maximum	50 square feet			20	8	10	10
Special Highway 41 District <sup>4</sup>	1 ground sign for each property plus wall signs	1.0 per linear foot of building facade	1.0 per linear foot of lot frontage; 200 square feet maximum	1 EMC permitted per property		35 <sup>5</sup> 55 <sup>6</sup>	8 8	10 20	10 20
Downtown Sign District	See § 720-83	See § 720-83							
Billboard/off- premises sign	See § 720-75		See § 720-75			30		15	

### NOTES:

<sup>1</sup> Ground signs: Area shall be based on the linear dimension of the exterior wall of a building or structure that directly abuts a public street; where sign area is based on lot frontage, the allowable total shall be based on the linear dimension of the lot line of the property for which the sign will be sited. Sign area shall include the surface area of only one sign face, where the surface area is the same for each face. For a monument sign, area shall include the surface area of the entire structure.

Wall signs: Allowable sign area shall be based on the linear dimension of the building facade to which the sign is affixed. Wall signage is allowed on a facade that directly abuts a public street, parking lot, or the shared driveway of a shopping center. Signage, including individual letters and pictorial matter, shall not extend above the top of a building wall except where integrated into the building design as a structural element or an architectural feature. Where signage has no background frame or cabinet, sign area shall be calculated as the surface area defined by the smallest rectangle or combination of rectangles to encompass the outer limits of the advertising message, announcement, logo or decoration; for signs with multiple areas of text, advertising or decoration, each area of signage may be calculated separately.

Projecting signs: Allowable sign area shall be based on the linear dimension of the building facade to which the sign is affixed. A projecting sign is allowed on a facade that directly abuts a public street, parking lot, or the shared driveway of a shopping center. Sign area shall include the surface area of only one sign face, where the surface area is the same for each face.

<sup>2</sup> See also § 720-84P.

<sup>3</sup> Minimum height to bottom of sign within the vision triangle: the bottom of all signs must be a minimum of eight feet above ground. Outside of the vision triangle there shall be no height minimum except that any ground sign located within 10 feet of a driveway shall have a clearance of eight feet above ground.

<sup>4</sup> The boundaries of the district include all commercially zoned land within 500 feet of either side of the center line of U.S. Highway 41.

<sup>5</sup> Allowable height for properties within 500 feet of either side of the center line of U.S. Highway 41.

<sup>6</sup> Allowable height for properties located within the interchange zones of U.S. Highway 41 and STH 23, Military Road and Hickory Road. The interchange zone is land located within a radius of 1,500 feet of the center line of the interchange.

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ZONING

720 Attachment 9

**City of Fond du Lac**

**Schedule IX  
Minimum Off-Street Parking Requirements**

<b>Land Use or Activity</b>	<b>Spaces Required*</b>	<b>Remarks**</b>
1. Animal hospital, kennel, doggie day care: for each employee plus: for each 5 crates, suites or animals	1.00 1.00	
2. Assisted living facility, community living arrangement, convalescent home, nursing home: for each employee plus: for each 4 residents	1.00 1.00	
3. Automotive – service station: for each 200 square feet of gross floor area	1.00	See Note 1
4. Automotive – repair, paint, service, detail, body shop: for each employee plus: for each service bay	1.00 1.00	
5. Automotive – sales, including accessory services: for each 400 square feet of gross floor area	1.00	
6. Bank, financial institution: for each 300 square feet of gross floor area	1.00	
7. Bar, tavern, nightclub, teen club, arcade, adult-oriented establishment: for each 100 square feet of gross floor area	1.00	
8. Bed-and-breakfast inn: for each guest room or suite plus: for owners of dwelling	1.00 2.00	
9. Bowling alley: for each lane plus: for any ancillary uses such as restaurants	3.00 As required	
10. Brew pub: for each 100 square feet of pub or dining area plus: for each 2,000 gross square feet of brewery, bottling, distribution	1.00 1.00	
11. Car wash: for each employee	1.00	See Note 2
12. Church, chapel, place of worship: for each 5 seats of design capacity	1.00	
13. Conference center, meeting hall, private club or lodge, gymnasium, arena, place of assembly: for each 5 seats of design capacity	1.00	
14. Day-care, adult or group: for each employee plus: for each five users (peak shift)	1.00 1.00	
15. Dwelling, 1- and 2-family: for each dwelling unit	2.00	
16. Dwelling, multifamily: for each efficiency and 1-bedroom dwelling unit: for 2+ bedroom dwelling unit: plus: visitor parking, for each 6 units	1.00 2.00 1.00	
17. Dwelling, rooming house or boardinghouse: for each bedroom, suite or sleeping area	1.00	
18. Fitness center, health spa: for each 100 square feet of usable floor area or for each 5 persons based on design capacity, whichever is greater	1.00	

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Land Use or Activity	Spaces Required*	Remarks**
19. Furniture and appliance sales and repair: for each 800 square feet of gross floor area	1.00	
20. Funeral home: for each 100 square feet of gross floor area	1.00	
21. Fraternity, sorority, college dormitory: for each bed	0.50	
22. Greenhouse, landscape facility, contractor facility: for each employee plus: for each 1,000 square feet of gross building or sales area	1.00 1.00	
23. Hospital: for each patient room	1.00	
24. Hotel and motel: for each room or suite plus: for any ancillary use such as restaurant, meeting hall, etc.	1.00 As required	
25. Library, museum, art gallery, photography studio and similar uses: for each 1,000 square feet of gross floor area	1.00	
26. Manufacturing, fabricating, cleaning, testing, assembling, repair, service, rental facility, printing and publishing, machine shop, welding shop, bottling, distribution, and similar uses: for each 300 square feet of office gross floor area plus: for each 3,000 square feet of non-office gross floor area or for each employee, whichever is greater	1.00 1.00	
27. Medical clinics, therapy and rehabilitation, diagnostic services, laboratories: for each 200 square feet of gross floor area	1.00	
28. Office – business and professional: for each 300 square feet of gross floor area	1.00	
29. Personal services – barbershop, salon (hair/nails/tanning), massage, pet grooming, tattoo/piercing establishment: for each 200 square feet of gross floor area	1.00	
30. Recreation facility (indoor or outdoor), swimming pool, skating rink, tennis court, golf course and similar uses: for each employee plus: for each 4 persons based on design capacity	1.00 1.00	
31. Restaurant: for each 100 square feet of gross floor area	1.00	
32. Restaurant, takeout: for each 200 square feet of gross floor area	1.00	See Note 3
33. Retail businesses and services: for each 200 square feet of gross floor area	1.00	
34. School – college, university, vocational, technical: for each 2 students based on the design capacity of the facility	1.00	See Note 4
35. School – elementary and middle: for each faculty and staff member	1.00	See Note 4
36. School – high: for each 7 students of design capacity	1.00	See Note 4
37. Shopping centers, building supply, home improvement center, commercial establishment containing at least 25,000 gross square feet: for each 250 square feet	1.00	
38. Theater, performing arts center: for each 4 seats of design capacity	1.00	
39. Veterinary clinic: for each 200 square feet of gross floor area	1.00	

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ZONING

Land Use or Activity	Spaces Required*	Remarks**
40. Warehouse, storage, wholesale establishment: for each 300 square feet of office space plus: for each 3,000 square feet of non-office gross floor area or for each employee, whichever is greater	1.00 1.00	
41. All other business and commercial establishments: for each 200 square feet of gross floor area	1.00	

**NOTES:**

\* When the totals indicate that a partial space is required, a full space shall be provided. When standards are listed per employee, the standard refers to maximum employees on the premises at peak shift.

**\*\*Remarks for Schedule IX**

1. Requirement based on building size. Parking for a convenience store and other accessory uses shall be provided in designated spaces independent of fuel islands.
2. In addition to the required parking spaces, reservoir standing space to accommodate vehicles waiting for service shall be provided in an amount equal to five times the number of automobiles undergoing some phase of laundering at the same time.
3. A takeout restaurant shall be considered a retail business, provided there is no in-house dining and food items are intended for consumption off premises.
4. When facilities for public assembly are accessory to a school, parking shall be based on the greater requirement of the individual uses.

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# APPENDIX

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**Chapter A800**  
**CHARTER ORDINANCES**

**CHARTER ORDINANCE**  
relating to the inclusion of  
the City of Fond du Lac,  
Wisconsin, personnel under the  
Wisconsin Retirement Fund.

The Council of the City of Fond du Lac, Wisconsin, do ordain as follows:

Section 1. Pursuant to Section 66.90 of the Wisconsin Statutes, the City of Fond du Lac, Wisconsin, hereby elects to include eligible personnel of the City under the provisions of the Wisconsin Retirement Fund in accordance with the terms thereof.

Section 2. Election is hereby made to provide prior service credits at rates equal to two (2) times the rates of municipality credits for current service to be applicable to employees as defined by Section 66.90 of the Wisconsin Statutes who are employed by the City of Fond du Lac, Wisconsin, on the effective date.

Section 3. Upon final enactment of this ordinance, the City Clerk shall submit a certified notice of the election made hereunder to the Board of Trustees of the Wisconsin Retirement Fund; such notice of election shall (1) be in writing; (2) indicate the date of such election and the results of any referendum held pursuant to Section 66.01 on such inclusion; (3) include a certification of the prior service contribution rate selected as being applicable to the employees of the city; (4) be officially certified by the City Clerk.

Section 4. The effective date of participation hereunder shall be January 1, 1948.

Section 5. This is a Charter Ordinance and shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days a referendum petition shall be filed as provided by Section 66.01 of the Wisconsin Statutes, in which event this Ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

Passed and adopted this 18 day of September, A.D. 1947.

FOND DU LAC CODE

REPEALING A CHARTER ORDINANCE ENTITLED "ESTABLISHING A MUNICIPAL RESERVE FUND FOR SPECIFIC MUNICIPAL PURPOSES" AS PASSED JANUARY 8, 1946.

The Council of the City of Fond du Lac, Wisconsin, do ordain as follows:

Section 1. A Charter Ordinance entitled "Establishing a Municipal Reserve Fund for Specific Municipal Purposes" as passed on the 8th day of January, 1946, and as published on the 10th day of January, 1946, is hereby repealed.

Section 2. The sum of \$700,746.48, representing the amount in the eight specific funds set forth in said charter ordinance as repealed by this ordinance is hereby transferred to the 1947 budget of the City of Fond du Lac, Wisconsin, and to the particular funds in said budget and in the amounts following:

- (a) To Budget Account No. 622, Police Department Outlay, the sum of \$55,000.00.
- (b) To Budget Account No. 637, Sewage Disposal Outlay, the sum of \$270,746.48.
- (c) To the Budget Account set forth as Public Schools, the sum of \$375,000.00.

Section 3. Immediately upon the effective date of this ordinance the Comptroller and other persons having charge of the City's books, budget and accounts, shall make changes thereon so as to indicate the transfers in accordance with this ordinance without further action of this Council.

Section 4. Within eight (8) days after the effective date of this ordinance the City Clerk shall give notice of this change in the 1947 budget by publication thereof as required by Section 65.90 of the Wisconsin Statutes.

Section 5. This is a Charter Ordinance, and shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days a referendum petition shall be filed, as provided by Section 66.01 of the Wisconsin Statutes, in which event this Ordinance shall not take effect until submitted to a referendum, and approved by a majority of the electors voting thereon.

Passed on the 22nd day of October, A.D., 1947.  
Published on the 27th day of October, A.D., 1947.

CHARTER ORDINANCES

ESTABLISHING RESTRICTIONS ON THE USE OF REVENUES FROM PARKING METERS TO SPECIFIC MUNICIPAL PURPOSES.

The Council of the City of Fond du Lac, Wisconsin, do ordain as follows:

Section 1. All net revenues which shall come into the City Treasury as the result of installation of parking meters on the streets of this city or from parking lots shall be allocated and used only for the following purposes:

1. For the purchase and maintenance of offstreet parking facilities, whether in real estate or improvements thereon.
2. To reimburse the city general fund for moneys already or hereafter expended on offstreet parking facilities, if such reimbursement be voted by the Council.

Section 2. This is a Charter Ordinance, and shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days a referendum Petition shall be filed, as provided by Section 66.01 of the Wisconsin Statutes, in which event this Ordinance shall not take effect until submitted to a referendum, and approved by a majority of the electors voting thereon.

Passed this 7th day of March, 1950.

Published this 10th day of March, 1950.

FOND DU LAC CODE

VARIOUS CITY DEPARTMENTS AND BOARDS TO SUBMIT THEIR PROPOSED BUDGETARY REQUIREMENTS FOR THE ENSUING YEAR AND TO FURTHER PROVIDE FOR ACTION BY THE COMPTROLLER AND CITY COUNCIL IN DETERMINING THE BUDGET AND TAX RATE FOR THE ENSUING YEAR.

The Council of the City of Fond du Lac, Wisconsin, do ordain as follows:

Section 1. That all Departments and Boards in the City of Fond du Lac, Wisconsin submit to the Comptroller on or before the first Monday in November, the proposed budgetary requirements for their respective Department or Board for the entire year.

Section 2. That when any Department or Board fails to submit their proposed budgetary requirements as mentioned in Section 1 of this ordinance, unless the time mentioned in said Section shall be extended by the unanimous vote of the Council, the Council shall consider the budget of the previous year in determining a budget and tax rate for the ensuing year.

Section 3. That the Comptroller of the City of Fond du Lac, Wisconsin, shall submit to the individual members of the Council the summary of all the proposed budgets for all City Departments and Boards for the ensuing year, prior to the second Monday of November.

Section 4. That the Council shall order and hold public hearings as provided by ordinance and Wisconsin Statutes on such proposed budget and tax rate for the ensuing year not later than the fourth Friday of November and shall remain in session from day to day, Sundays excluded, until a budget and tax rate have been determined for the ensuing year.

Section 5. This is a charter ordinance and shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days a referendum petition shall be filed as provided by subdivision (5) of section 66.01 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

PASSED on the 23rd January, 1951.

PUBLISHED on the 27th January, 1951.

## CHARTER ORDINANCES

A Charter Ordinance to reorganize the government of the City of Fond du Lac, in Fond du Lac County, State of Wisconsin, under Chapter 64 of the Statutes of the State of Wisconsin, providing for the City Manager Plan.

The City Council of the City of Fond du Lac do ordain as follows:

1. That the government of the City of Fond du Lac be and hereby is reorganized under Chapter 64 of the Statutes of the State of Wisconsin providing for the City Manager Plan, with a council composed of seven members to be nominated and elected from the city at large for term of office of two years.
2. The election of councilmen under the form of government so adopted shall be held as provided by law upon the first Tuesday in April next succeeding the adoption of this Charter Ordinance.
3. This Ordinance shall take effect and be in force as prescribed by law.

Approved by electorate by referendum, April 2, 1957.

Adopted by the City Council, November 12, 1957 to immediately organize under the above form of government.

Amended by Charter Ordinance No. 516, adopted November 10, 1966.

Amended by Charter Ordinance No. 1059-A, adopted February 23, 1972

Amended by Charter Ordinance No. 1683, adopted February 14, 1979.

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FOND DU LAC CODE

ORDINANCE NO. 134

A CHARTER ORDINANCE PROVIDING FOR SPRING PRIMARY.

The Common Council of the City of Fond du Lac, Wisconsin, do ordain as follows:

Section 1. Whenever three or more candidates file nomination papers for a city office, including Supervisor, a primary shall be held for the nomination of candidates for such office.

Section 2. This is a Charter Ordinance and shall take effect sixty days after its passage and publication, unless within such sixty days a referendum petition shall be filed as provided in Section 66.01 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

Adopted by the Common Council of the City of Fond du Lac on the 23rd day of February, 1961. Published the 9th day of March, 1961.



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## CHARTER ORDINANCES

### ORDINANCE NO. 946

#### A Charter Ordinance to Provide for Appointments to Board, Commission, Authorities and other Public Bodies

The City Council of the City of Fond du Lac, Wisconsin, do ordain as follows:

Section 1. The President of the City Council shall possess and exercise all those powers of appointments conferred by general law or special charter upon the Mayor or City Manager under the authority of Section 62.09 (the general charter law) and 64.11 (City Manager Plan). Nothing in this ordinance shall change or alter the procedure in those appointments which call for the confirmation of the Council nor in any way diminish the executive and administrative power of the City Manager operating under the tenants of Chapter 64.

Section 2. This is an amendment to a Charter Ordinance and shall take effect sixty (60) days after its passage and publication unless within such sixty (60) days a referendum petition shall be filed as provided by Subs. (5) of Sec. 66.02 Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

Adopted by the City Council of the City of Fond du Lac on the 25th day of November, 1970.  
Published the 3rd day of December, 1970.

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FOND DU LAC CODE

ORDINANCE NO. 2762

A CHARTER ORDINANCE RELATING TO TERM LIMITS FOR THE OFFICE OF  
CITY COUNCIL MEMBERS FOR THE CITY OF FOND DU LAC, WISCONSIN

The City Council of the City of Fond du Lac, Wisconsin, do ordain as follows:

Section 1. The City of Fond du Lac, Wisconsin, pursuant to secs. 66.01 and 62.09 (5)(b), Wis. Stats., hereby elects not to be governed by any portions of secs. 62.09 (5)(b), and 64.04, Wis. Stats., relating to the terms of office of council members for the City of Fond du Lac, Wisconsin, which are in conflict with this charter ordinance. This charter ordinance amends secs. 62.05(b) and 64.04, Wis. Stats., of the City Charter, as set forth in Section 2.

Section 2. Notwithstanding any other provision of law to the contrary, no person shall be eligible to be nominated, elected, or to serve in the office of council member of the City of Fond du Lac, Wisconsin if that person shall previously have held such office for three or more full consecutive terms, unless one full term or more has elapsed since that person last held such office. For the purposes of this charter ordinance, terms shall be deemed consecutive unless more than two years apart, and a term shall be deemed full if a person has served at least half of the time allotted for the term. Service prior to the effective date of this charter ordinance shall not count in determining length of service.

Section 3. Any charter provision or any previously enacted ordinance or charter ordinance or resolution inconsistent or in conflict with this charter ordinance is hereby expressly repealed.

Adopted by referenda on April 4, 1995

By vote of:  
YES: 3,079  
NO: 1,676

CHARTER ORDINANCES

ORDINANCE NO. 2913

A CHARTER ORDINANCE INCREASING THE NUMBER OF ALTERNATE MEMBERS  
ON THE BOARD OF APPEALS OF THE CITY OF FOND DU LAC

The City Council of the City of Fond du Lac, Wisconsin, do ordain as follows:

Section 1. The City of Fond du Lac, Wisconsin, pursuant to § 66.01, Wis. Stats., hereby elects not to be governed by any portions of § 62.23(7) (e)2., Wis. Stats., relating to the number of alternate members on the Board of Appeals of the City of Fond du Lac, which are in conflict with this charter ordinance.

Section 2. This charter ordinance amends § 62.23(7)(e)2., Wis. Stats., and Section 1.35(1) of the Code of Ordinances of the City of Fond du Lac to read as follows:<sup>1</sup>

1.35 BOARD OF APPEALS. (1) The Board of Appeals shall consist of 5 members appointed by the City Manager, with the approval of the Council, for terms of 3 years and without compensation. The City Manager shall designate one of the members as chairman. Terms of not more than 2 members shall expire in any one calendar year. The City manager shall appoint, for staggered terms of 3 years, 4 alternate members of the Board. Annually the City Manager shall designate the alternates as first alternate, second alternate, third alternate, and fourth alternate. The first alternate shall act with full power only when a member of the Board refuses to vote because of interest or when a member is absent. The remaining alternates shall so act only when a preceding alternate so refuses or is absent or when more than one member of the Board so refuses or is absent.

Section 3. Any charter provision or any previously enacted ordinance or charter ordinance or resolution inconsistent or in conflict with this charter ordinance is hereby expressly repealed.

Section 4. This charter ordinance shall be in effect 60 days after its passage and publication unless a petition shall be filed with the City Clerk demanding that this ordinance be submitted to a vote of the electors.

Adopted: November 12, 1997

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<sup>1</sup>Editor's Note: See now Ch. 14, Boards, Commissions and Committees, § 14-6A.

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# **DERIVATION TABLE**

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## Chapter DT

### DERIVATION TABLE

#### § DT-1. Derivation Table of 1993 Code to 2014 Code

**In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and sections of the 1993 Code have been included in the 2014 Code, or the reason for exclusion.**

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#### § DT-1. Derivation Table of 1993 Code to 2014 Code

NCM	=	Not Code material (legislation is not general or permanent in nature).
REP	=	Repealed effective with adoption of Code; see Ch. 1, Art. II.
NI	=	Not included in Code but saved from repeal.
NLP	=	New legislation is pending.

<b>Chapter/Title From 1993 Code</b>	<b>Location in 2014 Code</b>
Ch. 1, General Government	
§§ 1.01 to 1.08 and 1.20 (officers and employees)	Ch. 120
§ 1.09, Receipt of gifts and gratuities	REP
§ 1.10, Code of Ethics	Ch. 52
§ 1.11, Public records	Ch. 148
§ 1.12, Mandating of employee wages or benefits for private sector entities	Ch. 65, § 65-10
§§ 1.30 to 1.42 (boards, commissions and committees)	Ch. 14
Ch. 2, The Governing Body	Ch. 26
Ch. 3, Finance and Taxation	Ch. 65
Ch. 4, Law Enforcement	
§§ 4.01 to 4.07 (Police Department)	Ch. 132
§ 4.08, Permit for urban archery deer hunt	Ch. 339, Art. III
Ch. 5, Fire Protection	
§§ 5.01 to 5.08 (Fire Department)	Ch. 69
§§ 5.20 to 5.40 (Fire Prevention Code)	Ch. 343
Ch. 6 (number not used)	—
Ch. 7, Traffic Code	
§§ 7.01 to 7.09, 7.11 to 7.13 and 7.16 to 7.21 (vehicles and traffic)	Ch. 630
§§ 7.10, 7.14 and 7.15 (bicycles and play vehicles)	Ch. 241

<b>Chapter/Title From 1993 Code</b>	<b>Location in 2014 Code</b>
<b>Ch. 8, Public Works</b>	
§§ 8.01 to 8.04, 8.06 to 8.09 and 8.10 to 8.40 (streets and sidewalks)	Ch. 568
§ 8.05, Materials on streets	REP
§ 8.095, Licensing of yard waste disposal	REP
<b>Ch. 9, Peace and Order</b>	
§§ 9.01, 9.05, 9.06, 9.07, 9.08, 9.10, 9.16, 9.17, 9.18 and 9.20	Ch. 500
§ 9.02, Possession or drinking of alcohol beverages	Ch. 400
§§ 9.03 and 9.21 (vehicles)	Ch. 630
§ 9.04 (curfew)	REP
§ 9.09 (firearms and weapons)	Ch. 339, Art. I
§ 9.11, Fraud on residential landlords prohibited	REP
§ 9.12, Alarms, alarm systems and users	Ch. 200
§ 9.13, Discrimination	Ch. 307
§ 9.14, Carrying and displaying facsimile firearms	REP
§ 9.15, Fond du Lac statewide smoking ban	Ch. 279, Art. II
§ 9.19, Fraud in housing assistance	Ch. 378, Art. I
§ 9.30, Penalty	Ch. 200; Ch. 279, Art. II; Ch. 339, Art. I; Ch. 378, Art. I; Ch. 500
<b>Ch. 10, Public Nuisances</b>	Ch. 476
<b>Ch. 11, Public Health</b>	
§ 11.03 (nuisances)	Ch. 476
§§ 11.01, 11.02, 11.04, 11.05, 11.06, 11.07, 11.09 and 11.10	REP
§§ 11.08 and 11.081 (solid waste and recycling)	Ch. 556, Arts. I and II
§ 11.15, Penalty	Ch. 556, Art. I
<b>Ch. 12, Licenses and Permits</b>	
§§ 12.01 and 12.02 (licenses generally)	Ch. 433
§ 12.03, Intoxicating liquor and fermented malt beverages	Ch. 400
§ 12.04, Soda water beverages	Ch. 356, Art. I
§§ 12.05 to 12.09, 12.17, 12.23 and 12.24 (amusements)	Ch. 208
§ 12.10, Wrestling and boxing exhibitions	REP
§ 12.11, Transient merchants	Ch. 602
§§ 12.115 and 12.116 (mobile food and ice cream vendors)	Ch. 356, Arts. II and III



<b>Chapter/Title From 1993 Code</b>	<b>Location in 2014 Code</b>
§ 12.12, Pawnbrokers and secondhand article and jewelry dealers	Ch. 493
§ 12.13, Secondhand dealers	Repealed by Ord. No. 3472
§ 12.135, Fireworks dealer's license	Ch. 347
§ 12.14, Storing of junk automobiles	REP
§ 12.15, Auctions	Ch. 229
§ 12.16, Shooting galleries	Ch. 339, Art. II
§ 12.18, Loudspeakers and amplifying systems	Ch. 500
§ 12.19, Hayrack and sleigh rides	REP
§ 12.195, Parade permits	Ch. 568
§§ 12.20 and 12.27 (trees)	Ch. 607, Arts. I and II
§ 12.21, Coin operated music devices	REP
§ 12.22, Mobile homes and mobile home parks	Ch. 460
§§ 12.25 and 12.26 (taxicabs)	Ch. 587
§ 12.28, Animal licensing and regulation	Ch. 216
§ 12.29, Tattoo establishments	REP
§ 12.30, Minor tobacco control ordinance	Ch. 279, Art. I
§ 12.35, Penalty	Ch. 208; Ch. 229; Ch. 279, Art. I; Ch. 339, Art. II; Ch. 356, Art. I; Ch. 400; Ch. 433; Ch. 460; Ch. 587; Ch. 602; Ch. 607, Arts. I and II;
Ch. 13, Municipal Utilities	
§§ 13.01 to 13.09 (water)	Ch. 642
§§ 13.20 to 13.71 (sewers)	Ch. 639
Ch. 14, Building Code	Ch. 255
Ch. 15, Housing Maintenance Code	Ch. 512
Ch. 16, Electrical Code	Ch. 255
Ch. 17, Municipal Court	Ch. 33
Ch. 18, Subdivision and Platting	Ch. 705
Ch. 19, Parks and Recreation	Ch. 488
Ch. 20, Lakes and Beaches	Ch. 425
Ch. 21, Floodplain Zoning Code	Ch. 690
Ch. 22, Cable Television	NI
Ch. 23, Construction Site Erosion Control and Post Construction Stormwater Management	Ch. 325
Ch. 25, Construction and Effect of Ordinances	
§§ 25.01, 25.02(1), 25.03 and 25.04	Ch. 1, Art. I
§§ 25.02(2), 25.05, 25.06, 25.07 and 25.08	NLP; see Ch. 1, Art. II

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# **DISPOSITION LIST**

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## Chapter DL

### DISPOSITION LIST

#### § DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the City of Fond du Lac adopted since 12-8-2010, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).]

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#### § DL-1. Disposition of legislation.

Ord. No.	Adoption Date	Subject	Disposition
3447	12-8-2010	Comprehensive Plan amendment	NCM
3448	12-8-2010	Zoning Map amendment	NCM
3449	1-26-2011	Zoning amendment	See Ch. 720
3450	1-26-2011	Peace and good order amendment	Ch. 500
3451	2-9-2011	Finance and taxation amendment (room tax)	Ch. 65
3452-A	2-9-2011	Intoxicating liquor and fermented malt beverages amendment	Ch. 400
3453	2-9-2011	Vehicles and traffic amendment	Ch. 630
3454	2-9-2011	Vehicles and traffic amendment	Ch. 630
3455	3-9-2011	Intoxicating liquor and fermented malt beverages amendment	Ch. 400
3456	3-23-2011	Comprehensive Plan amendment	NCM
3457	3-23-2011	Zoning Map amendment	NCM
3458			Not adopted
3459	4-27-2011	Zoning Map amendment	NCM
3460	4-27-2011	Boards, commissions and committees amendment (Advisory Park Board)	Ch. 14
3461	6-22-2011	Municipal ward boundaries	NCM
3461-A	9-14-2011	Municipal ward boundaries	NCM
3462	7-13-2011	Finance and taxation amendment	Ch. 65
3463	7-13-2011	Vehicles and traffic amendment	Ch. 630
3464	7-13-2011	Intoxicating liquor and fermented malt beverages amendment	Ch. 400
3465	7-27-2011	Intoxicating liquor and fermented malt beverages amendment	Ch. 400

<b>Ord. No.</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
3466	8-10-2011	Building, plumbing, heating and electrical standards amendment; water amendment	Ch. 255; see Ch. 642
3467	8-10-2011	Vehicles and traffic amendment	Ch. 630
3468	8-10-2011	Vehicles and traffic amendment	Ch. 630
3469			Not adopted
3470			Not adopted
3471	8-10-2011	Vehicles and traffic amendment	Ch. 630
3472	8-24-2011	Pawnbrokers and secondhand dealers	Ch. 493
3473	8-24-2011	Subdivision of land amendment	Ch. 705
3474	10-26-2011	Firearms and weapons amendment; peace and good order amendment	Ch. 339, Art. I; Ch. 500
3475	11-9-2011	Vehicles and traffic amendment	Ch. 630
3476	11-9-2011	Vehicles and traffic amendment	Ch. 630
3477	11-9-2011	Vehicles and traffic amendment	Ch. 630
3478	11-9-2011	Intoxicating liquor and fermented malt beverages amendment	Ch. 400
3479	11-22-2011	Zoning Map amendment	NCM
3480	11-22-2011	Comprehensive Plan amendment	NCM
3481	11-22-2011	Finance and taxation amendment (room tax)	Ch. 65
3482	1-11-2012	Intoxicating liquor and fermented malt beverages amendment	Ch. 400
3483	1-11-2012	Building, plumbing, heating and electrical standards amendment	Ch. 255
3484	1-11-2012	Boards, commissions and committees amendment (Plan Commission)	Ch. 14
3485	1-11-2012	Vehicles and traffic amendment	Ch. 630
3486	1-25-2012	Vehicles and traffic amendment	Ch. 630
3487			Not adopted
3488	2-22-2012	Zoning amendment	See Ch. 720
3489	2-22-2012	Boards, commissions and committees amendment (Downtown Architectural Review Board)	Ch. 14
3490	2-22-2012	Zoning amendment	See Ch. 720
3491			Not adopted
3492			Not adopted

<b>Ord. No.</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
3493	4-11-2012	Vehicles and traffic amendment	Ch. 630
3494	4-25-2012	Zoning Map amendment	NCM
3495	5-23-2012	Zoning Map amendment	NCM
3496	6-13-2012	Vehicles and traffic amendment	Ch. 630
3497	6-13-2012	Vehicles and traffic amendment	Ch. 630
3498	8-8-2012	Vehicles and traffic amendment	Ch. 630
3499	8-8-2012	Vehicles and traffic amendment	Ch. 630
3500	8-8-2012	Vehicles and traffic amendment	Ch. 630
3501	8-8-2012	Vehicles and traffic amendment	Ch. 630
3502	10-10-2012	Vehicles and traffic amendment	Ch. 630
3503	10-10-2012	Vehicles and traffic amendment	Ch. 630
3504			Not adopted
3505	12-12-2012	Zoning Map amendment	NCM
3506	12-12-2012	Vehicles and traffic amendment	Ch. 630
3507	12-12-2012	Vehicles and traffic amendment	Ch. 630
3508	12-12-2012	Vehicles and traffic amendment	Ch. 630
3509	2-13-2013	Vehicles and traffic amendment	Ch. 630
3510	2-13-2013	Vehicles and traffic amendment	Ch. 630
3511	3-27-2013	Zoning Map amendment	NCM
3512	4-10-2013	Vehicles and traffic amendment	Ch. 630
3513	4-10-2013	Vehicles and traffic amendment	Ch. 630
3514	4-10-2013	Vehicles and traffic amendment	Ch. 630
3515	4-10-2013	Fires and fire prevention amendment	Ch. 343
3516	4-16-2013	City Council amendment	Ch. 26
3517	4-24-2013	City Council amendment	Ch. 26
3518	4-24-2013	Officers and employees amendment	Ch. 120
3519	6-12-2013	Vehicles and traffic amendment	Ch. 630
3520			Not adopted
3521	6-26-2013	Annexation	NCM
3522	6-26-2013	Zoning Map amendment	NCM
3523	8-14-2013	Intoxicating liquor and fermented malt beverages amendment; licenses and permits amendment	Ch. 400; Ch. 433
3524	8-14-2013	Vehicles and traffic amendment	Ch. 630
3525	8-14-2013	Vehicles and traffic amendment	Ch. 630
3526	8-14-2013	Vehicles and traffic amendment	Ch. 630
3527	8-14-2013	Vehicles and traffic amendment	Ch. 630

§ DL-1

## FOND DU LAC CODE

§ DL-1

<b>Ord. No.</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
3528	9-11-2013	Vehicles and traffic amendment	Ch. 630
3529	9-11-2013	Vehicles and traffic amendment	Ch. 630
3530	9-11-2013	Fires and fire prevention amendment	Ch. 343
3531	9-25-2013	Annexation	NCM
3532	9-25-2013	Zoning Map amendment	NCM
3533	11-13-2013	Vehicles and traffic amendment	Ch. 630
3534	11-13-2013	Vehicles and traffic amendment	Ch. 630



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